

ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

APPENDIX E

OIL DISCHARGE AND HAZARDOUS SUBSTANCE RELEASE REPORTS MESSAGE FORMATS

- A. TRANSMITTAL PRECEDENCE. Send oil discharge and hazardous substance (HS) release report messages by routine precedence. Use priority precedence if the release is very large, threatens human health, requires evacuation of the local populace, is expected to result in significant environmental harm, or is expected to generate adverse publicity.
- B. CLASSIFICATION OR SPECIAL HANDLING MARKING. Do not include classified or sensitive unclassified information in the report, unless necessary for operational reasons. Report symbol DD-5090-10 applies.
- C. OUTSIDE THE CONTINENTAL UNITED STATES REPORTS. For releases occurring outside the United States, its territories, and its possessions, delete the Coast Guard District and the Environmental Protection Agency (EPA) region organizations from the addressee and information blocks in the message. Instead, add the appropriate higher headquarters to the list of addressees.
- D. MESSAGE DATA ELEMENTS. The essential data elements for reporting oil spills and HS releases are provided on the following pages:

ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

FM: ACTIVITY/COMMAND//CODE//

TO: CMC WASHINGTON DC//I-L//
COMDT COGARD WASHINGTON DC (U.S. SPILLS ONLY)
COGARD MSO AREA COORDINATOR (MARINE U.S. SPILLS ONLY)
COAST GUARD DISTRICT COMMANDER (MARINE U.S. SPILLS ONLY)
EPA REGIONAL OFFICE (INLAND U.S. SPILLS ONLY)

INFO: HIGHER HEADQUARTERS (IF APPLICABLE)
COMNAVFAENGCOM ALEXANDRIA VA
COGNIZANT ENGINEERING FIELD DIVISION
NFESC PORT HUENEME CA

UNCLAS //N06280//

PASS TO LFL

SUBJ: OIL SPILL REPORT. REPORT SYMBOL DD-5090-10

- RMKS/1. DATE TIME GROUP IN WHICH SPILL OCCURRED
2. ACTIVITY ORIGINATING SPILL (INSTALLATION; UIC)
 3. SOURCE (FUEL TANK, BARGE, PIPELINE, RAIL CAR, VEHICLE, AIRCRAFT, ETC.)
 4. LOCATION (AREA, BUILDING DESIGNATION, PIER, ETC.)
 5. AMOUNT (BARRELS, GALLONS, LITERS)
IF UNKNOWN, INDICATE DIMENSIONS OF CONTAMINATED AREA
 6. TYPE (JP-5, GASOLINE, DIESEL, LUBE OIL, ETC.)
 7. CONTAINER FROM WHICH RELEASE OCCURRED (DRUM, STORAGE TANK, ETC.)
 8. SAMPLES TAKEN (YES/NO; SPECIFY ANALYSES REQUESTED/PERFORMED)
 9. CAUSE OF RELEASE (EQUIPMENT FAILURE, PERSONNEL ERROR, ACCIDENT, ETC.)
 10. RELEASE SCENE DESCRIPTION (OIL SLICK, CONTAMINATED AREA, ETC.)
 11. ACTION TAKEN/PLANNED:
 - A. CONTAINMENT EFFORTS (BOOM, ABSORBENT PADS, DRY SWEEP, ETC.)
 - B. RECOVERY EFFORTS (SUCTION TRUCK/PUMPS, SOIL EXCAVATION, ETC.)
 - C. RESIDUALS DISPOSAL (DRUMS TO DRMO, SOIL BIOREMEDIATION, ETC.)
 - D. RESPONSE/RECOVERY UNIT (TACTICAL UNIT, FIRE DEPT., ORSO, USGC, ETC.)
 12. ON-SCENE WEATHER/WIND (TEMPERATURE, HUMIDITY, WIND VELOCITY, VISIBILITY)
 13. AREAS THREATENED/DAMAGED (BEACH, WETLANDS, WATER INTAKE, AQUIFER, ETC.)
 14. POTENTIAL DANGERS (FIRE, EXPLOSION, OILED WILDLIFE, ETC.)
 15. NOTIFICATIONS MADE (NRC, COAST GUARD MSO, EPA REGION, STATE, LOCAL AGENCY, ETC.)
 16. TELEPHONIC REPORT TO NRC WAS/WAS NOT MADE (NRC POC/REPORT NUMBER)
 17. POC FOR REPORT (PERSON, ACTIVITY/CODE, TELEPHONE [USN AND COMMERCIAL])
 18. ASSISTANCE REQUIRED/COMMENTS
- //BT

ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

FM: ACTIVITY/COMMAND//CODE//

TO: CMC WASHINGTON DC//I-L//
COMDT COGARD WASHINGTON DC (U.S. SPILLS ONLY)
COGARD MSO AREA COORDINATOR (MARINE U.S. SPILLS ONLY)
COAST GUARD DISTRICT COMMANDER (MARINE U.S. SPILLS ONLY)
EPA REGIONAL OFFICE (INLAND U.S. SPILLS ONLY)

INFO: HIGHER HEADQUARTERS (IF APPLICABLE)
COMNAVFACENGCOM ALEXANDRIA VA
COGNIZANT ENGINEERING FIELD DIVISION
NFESC PORT HUENEME CA

UNCLAS //N06280//

PASS TO LFL

SUBJ: HAZARDOUS SUBSTANCE RELEASE REPORT, REPORT SYMBOL DD-5090-10

- RMKS/1. DATE TIME GROUP IN WHICH RELEASE OCCURRED
2. ACTIVITY ORIGINATING RELEASE (INSTALLATION, UIC)
 3. SOURCE (STORAGE AREA, SHOP, VEHICLE, ETC.)
 4. LOCATION (BUILDING DESIGNATION, PIER, HIGHWAY, RANGE, ETC.)
 5. AMOUNT (GALLONS/LITERS, POUNDS/KILOGRAMS)
IF UNKNOWN, INDICATE DIMENSIONS OF CONTAMINATED AREA
 6. TYPE (PESTICIDES, CORROSIVE LIQUIDS, TOXIC SUBSTANCES, EXPLOSIVES, ETC.)
 7. CONTAINER INVOLVED (DRUM, BAG, STORAGE TANK, RAIL CAR, PLATING TANK, ETC.)
 8. SAMPLES TAKEN (YES/NO; SPECIFY ANALYSES REQUESTED/PERFORMED)
 9. CAUSE OF RELEASE (EQUIPMENT FAILURE, PERSONNEL ERROR, ACCIDENT, ETC.)
 10. RELEASE SCENE DESCRIPTION (CONTAMINATED AREA, PATH OF RELEASE, ETC.)
 11. ACTION TAKEN/PLANNED:
 - A. CONTAINMENT EFFORTS (BOOM, ABSORBENT PADS, DRY SWEEP, ETC.)
 - B. RECOVERY EFFORTS (SUCTION TRUCK/PUMPS, SOIL EXCAVATION, ETC.)
 - C. RESIDUALS DISPOSAL (DRUMS TO DRMO, SOIL BIOREMEDIATION, ETC.)
 - D. RESPONSE/RECOVERY UNIT (TACTICAL UNIT, FIRE DEPT., ORSO, USGC, ETC.)
 12. ON-SCENE WEATHER/WIND (TEMPERATURE, HUMIDITY, WIND VELOCITY, VISIBILITY)
 13. AREAS THREATENED/DAMAGED (BEACH, WETLANDS, WATER INTAKE, AQUIFER, ETC.)
 14. POTENTIAL DANGERS (FIRE, EXPLOSION, TOXIC VAPOR, ETC.)
 15. NOTIFICATIONS MADE (NRC, COAST GUARD MSO, EPA REGION, STATE, LOCAL AGENCY, ETC.)
 16. TELEPHONIC REPORT TO NRC WAS/WAS NOT MADE (NRC POC/REPORT NUMBER)
 17. POC FOR REPORT (PERSON, ACTIVITY/CODE, TELEPHONE [DSN AND COMMERCIAL])
 18. ASSISTANCE REQUIRED/COMMENTS

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APPENDIX F-1

INTEGRATED PEST MANAGEMENT (IPM) PLANS

A. DOD PEST MANAGEMENT PROGRAM. Each installation must have a pest management plan as described in appendix I. The plan must list all program objectives, arranged in order of priority, according to potential or actual impact on health, morale, structures, materiel, or property. Installations that have more than 0.5 productive work-year of pest management work must have their own plan. Installations with less than 0.5 productive work-year must have an individual plan, or be included in a supporting installation's pest management plan. Professional pest management personnel or certified pesticide applicators must manage these installation programs.

B. CONTENT. Pest management plans must be comprehensive, long-range, narrative documents, as outlined in appendix I, and must:

1. Describe all installation and satellite installation pest management requirements and programs, including those for contracts, natural resources, golf courses, and outleases, and identify minimum pest management staffing requirements.
2. Describe all IPM procedures required to monitor and control pests on the installation.
3. Describe all IPM procedures for the surveillance and control of disease vectors.
4. Identify all resources, such as work-years, facilities, and equipment, required to support the IPM program.
5. Identify all pesticides, including the Environmental Protection Agency (EPA) registration numbers, approved by the respective pest management consultant for use in the IPM program.
6. Describe all health and safety measures that will be taken to protect both pest management personnel and the general public from pesticide exposure and risk.

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7. Identify any planned measures to comply with DoD Memoranda of Agreement with state pesticide regulatory offices relating to use or application of pesticides.
8. Describe pest management functions that can be done more economically through commercial contracts and provide or reference cost comparison analyses.
9. Describe any pest management operation with special environmental considerations such as those that:
 - a. Use a restricted-use pesticide.
 - b. Use any pesticide application that may contaminate surface water or groundwater.
 - c. Include 259 or more contiguous hectares (640 acres) in one pesticide operation.
 - d. May adversely affect endangered or other protected species or their habitats.
 - e. Involve aerial application of pesticides.
 - f. Involve the management or control of designated noxious weeds in accordance with 7 U.S.C. 10 in cooperation with local control efforts.
 - g. Involve permits for the use of experimental-use pesticides.
10. Identify animal control efforts for feral cats, feral dogs, or wildlife.
11. Identify active or potential vector-borne diseases and describe medical department collaboration with local and state agencies or host nations for vector surveillance and control matters.
12. Identify golf course pest management operations.

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APPENDIX F-2

PEST MANAGEMENT PERSONNEL TRAINING AND CERTIFICATION REQUIREMENTS

A. PERSONNEL QUALIFICATIONS. IPM programs are comprehensive and include all pest management operations on an installation to support facilities engineering, nonappropriated funds, leased or out-leased activities, contract operations, materiel resources, etc. Therefore, the IPM coordinator must have an appropriate position, educational background, and management skills to implement the plan for the installation commander. Pesticide applicators must meet the job qualification standards specified by the Office of Personnel Management. Outside of the United States, Marine Corps pesticide applicators must comply with the DoD Overseas Environmental Baseline Guidance Document or the Final Governing Standards.

B. TRAINING AND CERTIFICATION. All IPM personnel who apply or supervise the application of pesticides must be trained and certified within 2 years of employment in accordance with the "DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides," 8 December 1985, or an EPA-approved state certification plan. Personnel who are undergoing apprenticeship training, but are not yet certified, must apply pesticides only under the direct supervision of a certified pesticide applicator.

1. IPM and pesticide application requirements may vary with installation mission, location, size, and environmental considerations. Some installations may have unique requirements. Training requirements for individual pesticide applicators may vary due to the pest management categories and complexity of the work to be performed. Therefore, the Marine Corps senior pest management consultants must determine the training and experience necessary to perform the pest management activities within their areas of responsibility. The minimum training for Marine Corps installation pesticide applicators or contractors must be required by the EPA for certification in the applicable pesticide application categories. However, additional training beyond certification may be required due to the circumstances at a particular installation or the nature of the work to be done. These additional pest management training requirements may be fulfilled by successful completion of any DoD, other Federal

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agency, state, local, or private pest management training, provided the specific DoD requirements would be satisfied by the training.

2. Both DoD-certified and state-certified pesticide applicators must be recertified every 3 years in accordance with the "DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides," and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), respectively. Designated certifying officials may administratively extend individual certifications for up to 6 months for cause.

3. Contractor employees performing pest management work on a Marine Corps installation must be certified prior to the beginning of the contract under a state plan accepted in the state in which the work is performed. The contractor must provide evidence of certification in all appropriate pest management categories. Additionally, the contractor must provide evidence of training and experience equivalent to that determined by the Marine Corps for the particular pest management function to be contracted. Successful bidders for contracts must be afforded the opportunity to receive initial DoD pest management training on a space-available basis at the contractor's expense.

4. Quality Assurance Evaluators (QAE) trained in pest management must monitor and evaluate contractor performance for pest management services, unless a DoD employee, certified in accordance with the "DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides," is available to assist the QAE. If an installation's pest management contract efforts are less than 0.25 a work-year, the presence of a trained QAE at the installation is recommended, but is not mandatory.

5. Installations must encourage all eligible professional pest management personnel to obtain appropriate certification in accordance with FIFRA and to obtain certification from applicable professional boards and professional certifying organizations. Professional pest management personnel must be certified if their duties include:

a. Making recommendations for the use of pesticides, applying pesticides, or directly supervising the application of pesticides.

b. Conducting demonstrations on the proper use of techniques of pesticide application or the supervision of such demonstrations.

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c. Conducting field research that includes using or supervising the use of pesticides.

d. Marine Corps personnel and family members who apply pesticides under Marine Corps installation self-help programs or for their own relief are exempted from the certification requirement. Requirements for operational and deployable military personnel are described in chapter 14 of this Manual.

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APPENDIX G-1

MINIMUM REQUIREMENTS FOR UNDERGROUND STORAGE TANKS

A. GENERAL. The following information concerning underground storage tank (UST) requirements was adopted from a document published by the United States Environmental Protection Agency (EPA) Office of Underground Storage Tanks in August 1988. It includes minimum requirements and important deadlines.

B. WHAT DO YOU HAVE TO DO?

LEAK DETECTION

NEW TANKS * (40 CFR 280.41(a)(1)) Three choices	1. Monthly monitoring* 2. Monthly inventory control & tightness test every 5 years 3. Monthly manual tank gauging & tightness test every 5 years (only for tanks holding 2,000 gallons or less); (Can use tightness test methods for only 10 years after installation or upgrading.)
EXISTING TANKS** (40 CFR 280.41(a)(2)) Two choices	1. Monthly monitoring* 2. Monthly inventory control & annual tightness test (Can use tightness test methods only until 1998 when tank must be upgraded or permanently closed. If upgraded, follow requirements for new tanks.)
ALL TANKS WITH CAPACITIES OF 550 GALLONS OR LESS (40 CFR 280.41a)(3)) Two choices	1. Methods listed above 2. Weekly manual tank gauging
NEW & EXISTING PRESSURIZED PIPING (40 CFR 280.41(b)(1)) One choice from each set	1. Automatic flow restrictor 2. Automatic shutoff device 3. Continuous alarm and 1. Annual line tightness test 2. Applicable monthly monitoring*

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NEW & EXISTING SUCTION PIPING (40 CFR 280.41(b)(2)) Three choices	1. Line tightness test every 3 years 2. Applicable monthly monitoring 3. None if: a. Piping sloped back to tank b. Only one check valve present just below pump c. Piping operates at below atmospheric pressure
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CORROSION PROTECTION

NEW TANKS (40 CFR 280.20 (a)) Three choices	1. Coated & cathodically protected steel 2. Fiberglass-reinforced plastic 3. Steel-fiberglass-reinforced plastic composite
EXISTING TANKS (40 CFR 280.21 (b)) Three choices	1. Add interior liner with periodic inspections 2. Add cathodic protection system after proving tank is tight and not corroded 3. Add interior liner & cathodic protection system
NEW PIPING (40 CFR 280.20 (b)) Three choices	1. Coated & cathodically protected steel 2. Fiberglass-reinforced plastic 3. Piping approved by the regulatory agency
EXISTING PIPING (40 CFR 280.21 (c)) Two choices	1. Upgrade to new piping standards 2. Add cathodic protection system

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SPILL/OVERFILL PREVENTION

ALL TANKS**	1. Spill catchment basin
(40 CFR 280.20 (c),	and
40 CFR 280.21 (d))	1. Automatic shutoff device (approved by
One choice from each	the regulatory agency)
set	2. Overfill alarm
	3. Ball float valve

- * Monthly tank gauging (40 CFR 280.43(d) through (h)) includes:
 - Automatic monitoring
 - Vapor monitoring
 - Interstitial monitoring
 - Groundwater monitoring
 - Other approved methods

+ New tanks are those installed after December 1988

++ Existing tanks are those installed before December 1988

** Spill/overflow prevention devices are not required for tanks filled by transfer of 25 gallons or less.

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C. WHEN DO YOU HAVE TO ACT?

IMPORTANT DEADLINES

TYPE OF TANK AND PIPING	LEAK DETECTION (40 CFR 280.40)	CORROSION PROTECTION (40 CFR 280.21)	SPILL/OVERFLOW PREVENTION (40 CFR 280.21(a))
New Tanks and Piping*	At Installation of System	At Installation of System	At Installation of System
Existing tanks installed: Before 1965 or unknown	December 1989	December 1998	December 1998
1965-1969	December 1990	December 1998	December 1998
1970-1974	December 1991	December 1998	December 1998
1975-1979	December 1992	December 1998	December 1998
1980-1988	December 1993	December 1998	December 1998
Existing piping** Pressurized/ suction	December 1990 Same as existing tanks	December 1998 December 1998	Does not apply Does not apply

- * New tanks and piping are those installed after December 1988
- ** Existing tanks and piping are those installed before December 1988

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APPENDIX G-2

RELEASE REPORTING REQUIREMENTS

A. RELEASE REPORTING REQUIREMENTS. All confirmed leaks, suspected leaks based on monitoring, or spills or overfills of fuels exceeding 25 gallons must be reported to the EPA or proper state agency within 24 hours. All spills or leaks of any size must be contained and cleaned up.

B. RELEASE INVESTIGATION AND CONFIRMATION. Immediate investigation using the following methods (or methods specified by the state EPA):

1. Inventory check;
2. Tank or pipeline isolation and monitoring system recheck;
3. If a leak is still suspected, a tightness or hydrostatic test must be used to locate the leak;
4. If the system fails a tightness test, soil coring or groundwater sampling should be conducted;
5. When conducting an evaluation of immediate risk to drinking water, explosive vapors, etc., the Installation Restoration program method or an updated risk assessment method should be used; and
6. Reporting of investigation results to the implementing agency.

C. A separate set of corrective actions is required for petroleum products versus hazardous substances. The procedures are listed in 40 CFR 280.60 to 280.67, but will vary based on state requirements and risk.

D. Small leaks can be cleaned up without removing the tank or pipeline. Often, even if loose joints and connections are causing the small leaks, the general condition of the tank is

ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

still good. In such cases, the tank or pipeline must be repaired in accordance with 40 CFR 280.33 and the UST upgraded to meet new tank standards.

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APPENDIX G-3

UNDERGROUND STORAGE TANKS OPTIONS FOR RELEASE DETECTION

A. INTRODUCTION

1. The most immediate and demanding requirements of 40 CFR 280 concern the release-detection methods that must be implemented or installed on the Marine Corps UST systems. A synopsis of 40 CFR 280.40 to 280.45 follows.

2. The type of release-detection method used will vary with the type and age of the tank or pipeline. Furthermore, UST's used to store fuel for emergency generators are deferred from meeting the requirements for release detection. Emergency generator fuel tanks must comply with all other parts of this requirement.

B. RELEASE DETECTION FOR TANKS

1. Option 1-Combination of Precise Inventory Control and Tightness Testing. If UST's meet the new tank standards in 40 CFR 280.20, operators must conduct monthly inventory control and a tightness test every 5 years until 1998 or 10 years after upgrading.

2. Option 2-Combination of Precise Inventory Control and an Automated Gauging Device. The automatic gauging device must be able to detect a leak of 0.2 gallon/hour.

3. Option 3-Vapor Monitoring in Soils Surrounding Tanks. These monitoring requirements include:

- a. Only in sandy and gravelly soils,
- b. Monthly soil gas sampling,
- c. Must detect vapors above background levels,
- d. Groundwater must not impede monitoring, and
- e. Sufficient number of vapor monitoring wells.

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4. Option 4-Groundwater Monitoring Near Tanks. Monitoring requirements include:

- a. Stored liquid must be immiscible in water and have a specific gravity less than one,
- b. Groundwater must be within 20 feet of the ground surface,
- c. Soils must have a hydraulic conductivity of 0.01 cm/sec or greater,
- d. Proper monitoring well design and proper number of wells, and
- e. Use of an automatic or manual method capable of detecting a 1/8-inch layer of floating fuel.

5. Option 5-Interstitial Monitoring. This method applies only to UST's surrounded by a secondary containment barrier. Monitoring wells must be placed between the primary tank and the containment barrier when the barrier is within the excavation zone. For double walled tanks and tanks fitted with internal liners ("bladders"), the interstitial space must be monitored.

6. Option 6-Another Method Approved by the Implementing Agency. The method must be able to detect a 0.2 gallon/hour leak or 150 gallons/month release with a 95 percent probability of detection and a 5 percent probability of false positives.

C. PIPING RELEASE MONITORING. EPA regulations place more stringent requirements on pipes that convey liquids under pressure. The following release detection requirements apply:

1. Pressurized Piping

- a. Must be equipped with automatic line leak detection (e.g., automatic flow restrictor, continuous alarm, or automatic shutoff capabilities).
- b. Must have annual tightness test or monthly monitoring system.

2. Suction Piping. Tightness test every 3 years or monthly monitoring. European suction piping requires no leak detection.

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APPENDIX G-4

UNDERGROUND STORAGE TANKS OUTLINE OF PERMANENT CLOSURE REPORT

- I. EXECUTIVE SUMMARY
- II. INTRODUCTION AND PURPOSE
 - a. Brief statement of report purpose and scope
 - b. Identify contractors involved and UST owner/operators
- III. SITE DESCRIPTION AND UST IDENTIFICATION
 - a. Identify and describe facility related to UST's and general setting
 - b. Identify and describe UST's included in the report
 - c. Scaled site drawings
- IV. NOTIFICATION AND PERMITTING
 - a. Regulatory notification/permits
 - b. Contractor certification/licensing
- V. UST CLOSURE PROCEDURES
 - a. Residual liquid removal
 - b. Tank/pipe cleaning and closure preparation
 - c. Tank/pipe removal or in-place closure
 - d. Excavated soil management
 - e. Safety measures and considerations
- VI. SITE ASSESSMENT PROCEDURES
 - a. Describe appropriate environmental conditions and factors
 - b. Visual observations
 - c. Field analyses and checks
 - d. Soil/water sampling procedures and Quality Assurance/Quality Control (QA/QC)
 - e. Soil/water analytical procedures and QA/QC
 - f. Results and conclusions of site assessment
- VII. NECESSARY ATTACHMENTS AND APPENDICES
 - a. Contractor certifications and licenses
 - b. Residual fuel disposal/reuse receipts
 - c. Tank sludge disposal manifests or receipts
 - d. Tank washwater disposal manifests or receipts
 - e. Contaminated soil manifests or receipts

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- f. UST disposal receipts/certificates of destruction
- g. Photographs of site work and conditions
- h. Laboratory chain-of-custody forms
- i. Laboratory analytical results
- j. Removal notifications and permits
- k. Related correspondence to/from regulators
- l. Well permits, if wells installed
- m. Drill cuttings and purged well water manifests, if needed.

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APPENDIX H

EXCERPT FROM DEPARTMENT OF DEFENSE DIRECTIVE 4001.1 INSTALLATION MANAGEMENT

September 4, 1986

ASD (A&L)

Refs: (a) Deputy Secretary of Defense Memorandum, "Defense-wide Application of the Model Installation Management Approach," 26 March 1986

A. PURPOSE. This Directive establishes the DoD installation management policy.

B. APPLICABILITY. This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), and the Defense Agencies (hereafter referred to collectively as "DoD Components")

C. POLICY

1. The Commanding Officer of an installation is responsible for accomplishing the mission assigned to the installation, and should be delegated broad authority to decide how best to accomplish the mission, and is accountable for all resources applied to the mission.

2. Headquarters staff activities shall be directed toward facilitating any installation commander's ability to accomplish the mission. Regulations that limit installation commanders' freedom to do their jobs are contrary to the basic DoD installation management policy, and shall be canceled or revised. Exceptions should be rare.

3. Except where required to preserve essential wartime support capability, or constrained by law or federal regulation, installation commanders shall be free to purchase goods and services wherever they can get the combination of quality, responsiveness, and cost that best satisfies their requirements.

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4. Unless prohibited by law, a share of any resources saved or earned at an installation should be made available to the installation commander to improve the operations and working and living conditions at the installation.

D. RESPONSIBILITIES

1. Heads of DoD Components shall ensure that all regulations for which they are responsible comply with the policies contained in this Directive.

2. The Inspector General, DoD shall review and report compliance with these policies.

E. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense (Acquisition and Logistics) within 120 days.

William H. Taft IV
Deputy Secretary of Defense

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APPENDIX I

EXCERPT FROM DEPARTMENT OF DEFENSE INSTRUCTION 4150.7
PEST MANAGEMENT PROGRAM

NUMBER 4150.7

April 22, 1996

USD(A&T)

SUBJECT: DoD Pest Management Program

References: (a) DoD Directive 4715.1, "Environmental Security,"
February 24, 1996
(b) Section 125 of title 10, United States Code
(c) DoD 5025.1-M, "DoD Directives System
Procedures," August 1994, authorized by DoD
Directive 5025.1, June 24, 1994
(d) "DoD Plan for the Certification of Pesticide
Applicators of Restricted Use Pesticides,"
December 8, 1985
(e) Through (p), see enclosure 1

1. PURPOSE. This Instruction:

1.1. Implements policy, assigns responsibility, and prescribes procedures for the Department of Defense Pest Management Program, as established under references (a), (b), and the Joint Service Regulation, "Joint Field Operating Agencies of the Office of The Surgeon General of the Army," August 16, 1988.

1.2. Authorizes the publication of DoD 4150.7-M, "DoD Pest Management Training and Certification," in accordance with reference (c).

1.3. Authorizes the publication of DoD 4150.7-P, "DoD Plan for the Certification of Pesticide Applicators," in accordance with reference (c).

1.4. Designates the Secretary of the Army as the DoD Executive Agent for the Armed Forces Pest Management Board (AFPMB).

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2. APPLICABILITY AND SCOPE. This Instruction:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy), the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

2.2. Applies to all DoD operations, activities, and installations worldwide including appropriated fund activities; non-appropriated fund activities; contracted activities; and Government-owned, contractor-operated facilities.

2.3. Applies to all DoD buildings, structures, lands, public works, equipment, aircraft, vessels, and vehicles.

2.4. Applies to all DoD vector control and pest management operations performed worldwide during peacetime, wartime, and military deployments including those done by contract.

2.5. Outside the Continental United States (OCONUS), applies consistent with applicable international agreements, Status of Forces Agreements, Final Governing Standards (FGS) issued for the host nations, or where no such FGS have been issued, the criteria in the Overseas Environmental Baseline Guidance Document.

2.6. Does not apply to:

2.6.1. The civil works function of the Army Corps of Engineers.

2.6.2. State-owned or State-operated (funded) installations or facilities that the National Guard uses part-time or full-time.

3. DEFINITIONS. Terms used in this Instruction are defined in enclosure 2.

4. POLICY. It is DoD Policy under DoD Directive 4715.1 (reference (a)) to:

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4.1. Establish and maintain safe, effective, and environmentally sound integrated pest management (IPM) programs to prevent or control pests and disease vectors that may adversely impact readiness or military operations by affecting the health of personnel or damaging structures, materiel, or property.

4.2. Ensure DoD pest management programs achieve, maintain, and monitor compliance with all applicable Executive Orders and applicable Federal, State, and local statutory and regulatory requirements.

4.3. Incorporate sustainable IPM philosophy, strategies, and techniques in all aspects of DoD and Component vector control and pest management planning, training, and operations including installation pest management plans and other written guidance to reduce pesticide risk and prevent pollution.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Acquisition and Technology, through the Deputy Under Secretary of Defense (Environmental Security) (DUSD(ES)), shall:

5.1.1. Oversee the implementation of this Instruction and represent the Secretary of Defense for both internal and interagency matters on the DoD Pest Management Program.

5.1.2. Provide operational direction and supervision to the AFPMB.

5.1.3. Provide policy guidance and coordination for the DoD Pest Management Program.

5.1.4. Maintain and enforce the DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)).

5.1.5. Monitor compliance with this Instruction, including the Components' use of the DoD Pest Management Program Measures of Merit (enclosure 3).

5.1.6. Coordinate pest management actions with the Assistant Secretary of Defense for Health Affairs when human health is an issue.

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5.2. The Director of Defense Research and Engineering, under the Under Secretary of Defense for Acquisition and Technology, shall, in coordination with DUSD(ES), ensure that an appropriate level of effort is provided in research, development, and transfer of technology to support DoD pest management requirements.

5.3. The Heads of the DoD Components shall:

5.3.1. Establish and maintain programs that conform to the policy, procedures, and requirements specified in this Instruction including the program elements in enclosure 4.

5.3.2. Emphasize IPM techniques in their pest management programs as a means to reduce pesticide risk and prevent pollution.

5.3.3. Exercise oversight and review of installation pest management programs from the Component's major command and headquarters level.

5.3.4. Maintain accurate and complete reporting and record-keeping of pest management operations and pesticide use.

5.3.5. Ensure that actions taken under the policy in section 4, above, are consistent with DoD Directive 4715.1 (reference (a)).

5.3.6. Implement programs to achieve, maintain, and monitor compliance with applicable Federal, State, and local statutory and regulatory requirements for pest management.

5.3.7. Ensure that Commanders of deployed forces enforce the use of all appropriate personal protection measures, including arthropod skin and clothing repellents and bed nets, to protect their troops from vector-borne diseases and rodent and arthropod health threats.

5.3.8. Ensure that any pesticide applications, excluding arthropod skin and clothing repellents, performed during military operations are recorded using DD Form 1532-1, "Pest Management Maintenance Report," or a computer-generated equivalent. The DoD Components shall establish a method to archive these records for permanent retention.

5.3.9. Ensure the implementation of IPM in Component pest management programs, operations, regulations, publications, pest

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management training, and pesticide applicator certification programs.

5.3.10. Coordinate pest management actions, as appropriate, with the Assistant Secretary of Defense for Health Affairs, with State and local governments, and with host-nation agencies involved with pest management when human health is an issue.

5.3.11. Ensure that the Component's DoD pest management consultants review installation pest management programs on-site at least every 36 months and annually review installation pest management plans for adherence to DoD policy.

5.3.12. Establish procedures to ensure that recommendations from on-site pest management program reviews and annual reviews of pest management plans will result in appropriate corrective action.

5.3.13. Designate Component senior pest management consultants as the primary points of contact for the Component's pest management program and for membership on the AFPMB in support of the Defense Environmental Security Council and inform the Executive Director, AFPMB, of these designated consultants.

5.3.14. Designate pest management consultants, as certifying officials under the DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)), to certify the competency of the Component's pesticide applicators; establish procedures for designating and certifying specific DoD pest management consultants in aerial application pest control to approve pest management projects requiring aerial application of pesticides; and inform the Executive Director, AFPMB, of these designated consultants.

5.3.15. Implement pest management measures of merit (enclosure 3) and answer data calls for the measures of merit from the DUSD(ES).

5.3.16. Monitor pesticides available for purchase in DoD commissaries and Component exchanges to ensure the pesticides available for sale are least-hazardous pesticides that are compatible with DoD IPM programs and are pesticides that comply with applicable Federal, State, and local laws. DoD commissaries and Component exchanges OCONUS shall comply with subsection 2.5., above.

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5.3.17. Cooperate with State and local government agencies involved with pest management.

5.3.18. Participate in the development of the Defense Environmental Security Corporate Information Management (DESCIM) process for pest management and use the pest management information system when fielded.

5.3.19. Provide management support, resources, and a professionally qualified pest management staff sufficient to ensure effective implementation of pest management programs at all organizational levels.

5.3.20. Establish surveillance programs to assess potential adverse environmental or public health effects from pesticide use and to monitor the health and safety of persons who apply pesticides.

5.3.21. Monitor the use of IPM and reduction of pesticide use in installation pest management programs.

5.3.22. Ensure that Installations:

5.3.22.1. Develop, maintain, annually review, and revise their pest management plans consistent with the program elements in enclosure 4 and AFPMB Technical Information Memorandum (TIM) 18, "Installation Pest Management Guide," February 1987.

5.3.22.2. Implement pest management programs approved by pest management consultants and performed by certified pesticide applicators in accordance with the pest management plan written for each installation.

5.3.22.3. Establish pest management self-help programs for military housing when cost effective and when IPM monitoring indicates a need for a self help program.

5.3.22.4. Have all pesticide applications to DoD installations made only by properly trained and certified personnel in accordance with DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)) or by State-certified applicators.

5.3.22.5. Use pesticides in accordance with applicable laws including FIFRA (reference (e)), and the constraints of subsection 2.5., above.

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5.3.22.6. Use only pesticides that have been approved by a DoD pest management consultant. Consideration should be given to locally purchased pesticides to ensure conformance with State management plans for ground water protection and to facilitate use of recyclable pesticide containers when appropriate pesticides are not available in the Federal supply system. Pesticides may be procured locally if needed for an emergency, if required due to unique local situations, or if required in quantities so small that assignment of an NSN is not practical.

5.3.22.7. Maintain complete daily pesticide application and pest management operations records as required by FIFRA (reference (e)) and 7 U.S.C. 136i-1 (reference (f)) or for pest management measures of merit, using DD Form 1532-1 or a computer-generated equivalent. Produce a monthly summary, using DD Form 1532 or computer-generated equivalent, to provide data for regulatory, DoD, Federal, State, or local agency data calls; Component program review and oversight; and Measures of Merit. Installation commanders shall ensure these records are archived after 2 years for permanent retention.

5.3.22.8. Use pest management contracts when more cost-effective than in-house services. Ensure that firms and their employees performing contract pest management work on DoD installations, and in support of DoD operations overseas, comply with all certification, licensing, and registration requirements of the State or country where the work is performed. Ensure that the technical portions of contracts involving pest management reflect IPM methodology and are reviewed and approved by a DoD pest management consultant before solicitation.

5.3.22.9. Have quality assurance evaluators (QAES), who have been trained in pest management at DoD-sponsored courses, inspect pest management operations and pesticide applications performed by contractors.

5.3.22.10. Report pest management operations and pesticide applications performed by contractors as required in paragraph 5.3.22.7., above.

5.4. The Secretary of the Air Force shall maintain a large-area, fixed-wing aerial pesticide application capability to control disease vectors, pest organisms, and vegetation and to treat oil spills in combat areas, on DoD installations, or in response to declared emergencies and shall provide sufficient training for aerial pesticide application air crews and ground support personnel.

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5.5. The Secretary of the Army, as Executive Agent, shall provide administrative and logistic support, through the Surgeon General, for operation of the AFPMB.

5.6. The Secretaries of the Military Departments shall ensure that the Surgeons General shall nominate qualified candidates and provide uniformed military entomologists for the directorate positions of the AFPMB and provide technical support for the development, testing, and evaluation of pest management equipment as described below:

5.6.1. The Surgeon General of the Army shall provide three military entomologists to the AFPMB staff and conduct studies on engineering and durability of pest management equipment.

5.6.2. The Surgeon General of the Navy shall provide 2 military entomologists to the AFPMB staff and conduct studies on efficacy and military application of pest management equipment.

5.6.3. The Surgeon General of the Air Force shall provide 2 military entomologists to the AFPMB staff.

5.7. The Deputy Under Secretary of Defense for Environmental Security, through the Armed Forces Pest Management Board, shall:

5.7.1. Recommend policy, provide scientific advice, and enhance coordination among the DoD Components on all matters related to pest management.

5.7.2. Serve as the coordinating office for the DoD Undesirable Plant Management Program required by the Federal Noxious Weed Act (FNWA) (reference (g)).

5.7.3. Review and update DoD Environmental Security Measures of Merit for Pest Management.

6. PROCEDURES

6.1. The Component's pest management programs shall include the elements in enclosures E3, E4, E6, E7, and E8.

6.2. The AFPMB, reestablished by DoD Directive 4715.1 (reference (a)), consisting of a Council and Committee Structure, Directorate, and Defense Pest Management Information Analysis Center (DPMIAC) shall operate as described in enclosure 5.

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7. INFORMATION REQUIREMENTS

The record-keeping and the reporting requirements prescribed herein are assigned Report Control Symbol DD-A&T(A&AR)1080. Existing data elements from DoD 8320.1-M-1 (reference (h)) shall be used in the reporting requirements to the greatest extent possible.

8. EFFECTIVE DATE. This Instruction is effective immediately.

Paul G. Kaminski
Under Secretary of Defense
(Acquisition and Technology)

Enclosures - 8

1. References
2. Definitions
3. DoD Environmental Security Measures of Merit for Pest Management
4. DoD Pest Management Program Elements
5. AFPMB Functions, Organizations and Management
6. Requirements for Installation Pest Management Programs
7. Procedures for the Acquisition of Pest Management Equipment and Pesticides
8. Content of Installation Pest Management Plans, Suggested Format

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E1. ENCLOSURE 1

REFERENCES

- (e) Section 136 et seq. of title 7, United States Code, "Federal Insecticide, Fungicide, and Rodenticide Act 1976 (FIFRA)," as amended
- (f) Section 136i-1 of title 7, United States Code, 1990, Food, Agriculture, Conservation, and Trade Act of 1990"
- (g) Section 10 of title 7 (2801), United States Code, Federal Noxious Weed Act of 1974 et seq., as amended
- (h) DoD 8320.1-M-1, "Data Element Standardization Procedures," January 1993, authorized by DoD Directive 8320.1, September 26, 1991
- (i) Sections 4321 to 4370a of title 42, United States Code, "National Environmental Policy Act (NEPA) of 1969," as amended
- (j) DoD 4500.54-G, "DoD Foreign Clearance Guide," current edition, authorized by DoD Directive 4500.54, May 1, 1991
- (k) Memorandum of Agreement between the United States Department of Agriculture (USDA) and the Department of Defense for Conduct of Forest Insect and Disease Suppression on Lands Administered by the U.S. Department of Defense, December 1990
- (l) Section 1531 et seq. of title 16, United States Code, "Endangered Species Act of 1973," as amended
- (m) Department of Defense-United States Department of Agriculture/Animal Plant Health Inspection Service/Animal Damage Control Memorandum of Agreement on Animal Damage Control, April 1990¹
- (n) Section 1001 et seq. of title 16, United States Code, "Aquatic Nuisance Prevention and Control Act of 1990"

¹ Available from the AFMB, Forest Glen Section/Walter Reed Army Medical Center, 20307-5001 Washington, D.C.

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- (o) Executive Order 11850, "Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents," April 8, 1975²
- (p) DoD Directive 5105.18, "DoD Committee Management Program," January 18, 1990

² Available from the AFMB, Forest Glen Section/Walter Reed Army Medical Center, 20307-5001 Washington, D.C.

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E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Certifying Officials. Professional DoD pest management personnel designated, in writing by the Components to the Executive Director, AFPMB, who review and certify that qualifications of DoD applicators meet the DoD standards in DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)).

E2.1.2. Component Senior Pest Management Consultant. The professional DoD pest management individuals, designated in writing by the Components to the Executive Director, AFPMB, who are the primary points of contact for the Component's pest management program including technical guidance, management oversight, and information requirements.

E2.1.3. Direct Supervision. Supervision that includes being at the specific location where pest management work is conducted; providing instruction and control; and maintaining a line-of-sight view of the work performed. Certain circumstances may temporarily remove the line-of-sight view of the application of pesticide from the supervisor such as topographic constraints, vegetation constraints, or building structural constraints. Under these temporary circumstances, the supervisor shall be responsible for the actions of the pesticide applicators. (See Uncertified Installation Pesticide Applicator, Definition E2.1.13.5., below).

E2.1.4. Disease Vector. Any animal capable of transmitting the causative agent of a human disease; serving as an intermediate or reservoir host of a pathogenic organism; or producing human discomfort or injury, including (but not limited to) mosquitoes, flies, other insects, ticks, mites, snails, and rodents. It is recognized that certain disease vectors are predominately economic pests that as conditions change may require management or control as a disease vector.

E2.1.5. Disinsection. The procedure of killing or removing insects from ships or aircraft to prevent their importation into another port or country.

E2.1.6. Integrated Pest Management (IPM). A planned program, incorporating continuous monitoring, education, recordkeeping, and communication to prevent pests and disease

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vectors from causing unacceptable damage to operations, people, property, materiel, or the environment. IPM uses targeted, sustainable (effective, economical, environmentally sound) methods including education, habitat modification, biological control, genetic control, cultural control, mechanical control, physical control, regulatory control, and where necessary, the judicious use of least-hazardous pesticides.

E2.1.7. Monitoring. Thorough inspections or surveys conducted on a regular basis to determine the presence and prevalence of pests or disease vectors.

E2.1.8. Nuisance Pests. Insects, other arthropods, and other organisms that do not cause economic damage or adversely affect human health, but which cause minor annoyance on occasion.

E2.1.9. On-Site Supervision. Supervision that includes being physically located on the installation, but not necessarily at the specific worksite, during the work performance and being able to be contacted and at the worksite within 30 minutes.

E2.1.10. Personal Relief. Pest management control efforts made by DoD personnel or their family members at their own expense for control of pests consistent with DoD and Component pest management policy.

E2.1.11. Pest Management Quality Assurance Evaluator. A quality assurance inspector who is a DoD employee, trained in pest management, who protects the Government's interest through on-site performance evaluation of commercial pest management contracts or other contracts that involve the use of pesticides.

E2.1.12. Pesticide. Any substance or mixture of substances, including biological control agents, that may prevent, destroy, repel, or mitigate pests and are specifically labeled for use by the U.S. Environmental Protection Agency (EPA). Also, any substance or mixture of substances used as a plant regulator, defoliant, desiccant, disinfectant, or biocide. (See Restricted-Use Pesticide, definition E2.1.21.) The AFPMB does not review or approve disinfectants or biocides.

E2.1.13. Pesticide Applicator. Any individual who applies pesticides or supervises the use of pesticides by others.

E2.1.13.1. Certified Pesticide Applicator. Any individual who applies pesticides or supervises the use of pesticides, and who has been authorized to do so by successfully

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completing a training program approved by the EPA, followed by formal certification by the Department of Defense or a State, or, for OCONUS, the provisions of subsection 2.5. of the main body of this Instruction.

E2.1.13.2. DoD-Certified Pesticide Applicators. DoD military or civilian personnel certified in accordance with the DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)).

E2.1.13.3. Installation Pesticide Applicators. DoD employees or contract personnel whose job responsibilities involve the application of pesticides on DoD installations and property.

E2.1.13.4. State-Certified Pesticide Applicators. Persons certified in accordance with FIFRA (reference (e)) by a State with an EPA-approved certification plan.

E2.1.13.5. Uncertified Installation Pesticide Applicators. DoD employees who are not certified under the Department of Defense or State plan during an apprenticeship period not exceeding 2 years and who must apply pesticides under the supervision of a DoD or State-certified applicator.

E2.1.14. Pest Management. The prevention and control of disease vectors and pests that may adversely affect the DoD mission or military operations; the health and well-being of people; or structures, materiel, or property.

E2.1.15. Pest Management Consultant. Professional DoD pest management personnel located at Component Headquarters, field operating agencies, major commands, facilities engineering field divisions or activities, or area support activities who provide technical and management guidance for the conduct of installation pest management operations. Some pest management consultants may be designated by their Component as certifying officials.

E2.1.16. Pest Management Coordinator. The individual officially designated by the installation commander to coordinate and oversee the installation pest management program and installation pest management plan. Pest management coordinators shall be certified as pesticide applicators if their job responsibilities require them to apply or supervise the use of pesticides.

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E2.1.17. Pest Management Materiel. Equipment or pesticides used to monitor, prevent, or control pests and disease vectors. Equipment items include, but are not limited to, all pesticide dispersal equipment, traps, nets, and pest-attracting or pest-repelling devices.

E2.1.18. Pest Management Plan. A long-range, comprehensive installation planning and operational document that establishes the strategy and methods for conducting a safe, effective, and environmentally sound integrated pest management program. Written pest management plans are required as a means of establishing and implementing an installation pest management program.

E2.1.19. Pests. Arthropods, birds, rodents, nematodes, fungi, bacteria, viruses, algae, snails, marine borers, snakes, weeds, and other organisms (except for human or animal disease-causing organisms) that adversely affect readiness, military operations, or the well-being of personnel and animals; attack or damage real property, supplies, equipment, or vegetation; or are otherwise undesirable.

E2.1.20. Professional Pest Management Personnel. DoD military officers commissioned in the Medical Service or Biomedical Sciences Corps or DoD civilian personnel with college degrees in biological or agricultural sciences who are in a current assignment that includes pest management responsibilities exercised regularly. DoD civilian employees also shall meet Office of Personnel Management (OPM) qualification standards. Based on assignment, some professional pest management personnel are pest management consultants.

E2.1.21. Restricted-Use Pesticide. A pesticide that the Administrator of the EPA (in accordance with FIFRA (reference (e))), or a State regulatory agency determines to have the potential to cause unreasonable adverse effects on the environment or human health, when applied in accordance with its directions for use, and therefore requires additional regulatory restrictions.

E2.1.22. State. Any one of the 50 United States of America; the District of Columbia; the Commonwealths of Puerto Rico, the Northern Marianas, Virgin Islands; and the Territories of Guam and American Samoa.

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E2.1.23. Surveillance. Thorough inspections or surveys made before or after pest management treatments to determine the presence and prevalence of pests or disease vectors.

E2.1.24. Technical Information Memoranda. Technical guidance prepared by the AFPMB on specific pest management and disease vector control topics. Technical Information Memoranda (TIM) are available from the AFPMB, Forest Glen Section/Walter Reed Army Medical Center, Washington, DC 20307-5001.

E2.1.25. Training. Formal or informal instruction in one or more subject areas concerning IPM and disease vector control to increase the expertise and measurable competence of pest management personnel in performance of specific IPM and disease vector control skills. Training methods are varied and include workshops, seminars, conferences, symposia, training courses, apprenticeships, interactive models, satellite and video tele-training, correspondence courses, training support packages including video-based products, other distributive products, or materials.

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E3. ENCLOSURE 3

DOD ENVIRONMENTAL SECURITY

MEASURES OF MERIT FOR PEST MANAGEMENT

E3.1.1. Measure of Merit 1. Installation Pest Management Plans;

E3.1.1.1. By the end of FY 97, 100 percent of DoD installations will have pest management plans prepared, reviewed, and updated annually by pest management professionals.

E3.1.2. Measure of Merit 2. Pesticide Use Reduction;

E3.1.2.1. By the end of FY 2000, the amount of pesticide applied annually on DoD installations will be reduced by 50% from the FY 93 baseline in pounds of active ingredient. The goal for this measure of merit shall not be obtained by substituting more toxic pesticides that have lower application rates than the pesticide in use.

E3.1.3. Measure of Merit 3. Installation Pesticide Applicator Certification;

E3.1.3.1. By the end of FY 98, 100 percent of DoD's installation pesticide applicators will be properly certified (either DoD or appropriate State). Direct hire employees have a maximum of 2-years to become certified after initial employment. Contract employees should have the appropriate State certification when the contract is let.

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E4. ENCLOSURE 4

DOD PEST MANAGEMENT PROGRAM ELEMENTS

E4.1.1. DoD Pest Management Program Elements. DoD Pest Management Programs shall include the following elements that are described in this enclosure:

E4.1.1.1. Installation Pest Management Plans.

E4.1.1.2. Integrated Pest Management.

E4.1.1.3. Installation Consultative Support, Pest Management Program Reviews, and Audits.

E4.1.1.4. Training and Certification of Pest Management Personnel.

E4.1.1.5. Pesticides and Pest Management Equipment.

E4.1.1.6. Contracting for Commercial Pest Management Services.

E4.1.1.7. Specialized Pest Management Operations.

E4.1.1.8. Pest Management and Disease Vector Control in Military Contingency Operations,

E4.1.2. Installation Pest Management Plans. Each installation shall have a pest management plan as described in enclosure 6. The plan shall list all program objectives, arranged in order of priority, according to potential or actual impact on health, morale, structures, materiel, or property. Installations that have more than 0.5 productive work-years of pest management work shall have their own plan. Installations with less than 0.5 productive work-years must have an individual plan, or be included in a supporting installation's pest management plan. Professional pest management personnel or certified pesticide applicators shall manage these installation programs.

E4.1.2.1. Component Role. The DoD Components shall ensure that each installation has a pest management plan and that the Component's pest management consultants maintain the program

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through technical assistance, program review, and program oversight. The Components shall ensure that Installation Commanders:

E4.1.2.1.1. Plan and budget for the development and maintenance of the pest management plan.

E4.1.2.1.2. Ensure that qualified personnel develop and update the pest management plan annually.

E4.1.2.1.3. Designate a DoD-certified or State-certified pesticide applicator as the pest management coordinator to implement the plan.

E4.1.2.1.4. Ensure that the pest management coordinator formally coordinates appropriate portions of the pest management plan with the senior medical officer, environmental coordinator, and senior engineering officer and ensure that these individuals sign the cover sheet of the pest management plan.

E4.1.2.1.5. Ensure that appropriate portions of the pest management plan are reviewed by the Natural Resources Program Manager for consistency with the Natural Resources Management Plan.

E4.1.2.1.6. Ensure that the pest management coordinator forwards the pest management plan to the cognizant component pest management consultant for review, technical approval, and signature on the cover sheet.

E4.1.2.1.7. Approve and sign the pest management plan for implementation.

E4.1.2.1.8. Ensure implementation of the pest management plan and oversight of the installation pest management program by the pest management coordinator.

E4.1.2.1.9. Ensure that all pest management operations performed on the installation, except those for personal relief, are recorded, and ensure that all records are properly maintained and are reported to the cognizant component pest management consultant.

E4.1.2.2. Content. Pest management plans shall be comprehensive, long-range, narrative documents, as outlined in enclosure E8, and shall:

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E4.1.2.2.1. Describe all installation and satellite installation pest management requirements and programs, including those for contracts, natural resources, golf courses, and out leases, and identify minimum pest management staffing requirements.

E4.1.2.2.2. Describe all IPM procedures required to monitor and control pests on the installation.

E4.1.2.2.3. Describe all IPM procedures for surveillance and control of disease vectors.

E4.1.2.2.4. Identify all resources, such as work-years, facilities, and equipment, required to support the installation pest management program.

E4.1.2.2.5. Identify all pesticides, including EPA registration numbers, approved by the respective Component pest management consultant for use in the installation pest management program.

E4.1.2.2.6. Describe all health and safety measures that will be taken to protect both pest management personnel and the general public from pesticide exposure and risk.

E4.1.2.2.7. Identify any planned measures to comply with DoD Memoranda of Agreement with State pesticide regulatory offices relating to use or application of pesticides.

E4.1.2.2.8. Describe pest management functions that can be done more economically through commercial contracts and provide or reference cost comparison analyses.

E4.1.2.2.9. Describe any pest management operation with special environmental considerations such as those that:

E4.1.2.2.9.1. Use a restricted-use pesticide.

E4.1.2.2.9.2. Use any pesticide application that may contaminate surface or ground water.

E4.1.2.2.9.3. Include 259 or more contiguous hectares (640 acres) in one pesticide operation.

E4.1.2.2.9.4. May adversely affect endangered or other protected species or their habitats.

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E4.1.2.2.9.5. Involve aerial application of pesticides.

E4.1.2.2.9.6. Involve management or control of designated noxious weeds in accordance with 7 U.S.C. 10 (reference (g)) in cooperation with local control efforts.

E4.1.2.2.9.7. Involve permits for the use of experimental-use pesticides.

E4.1.2.2.10. Identify animal control efforts for feral cats, feral dogs, or wildlife.

E4.1.2.2.11. Identify active or potential vector-borne diseases and describe medical department collaboration with local and state agencies or host nations for vector surveillance and control matters.

E4.1.2.2.12. Identify golf course pest management operations.

E4.1.3. Integrated Pest Management

E4.1.3.1. Background. IPM is the method of choice for DoD pest management and disease vector control. IPM is a sustainable approach to managing pests and controlling disease vectors by combining applicable pest management tools in a way that minimizes economic, health, and environmental risks. IPM uses regular or scheduled monitoring to determine if and when treatments are needed and employs physical, mechanical, cultural, biological, genetic, regulatory chemical, and educational tactics to keep pest numbers low enough to prevent unacceptable damage or impacts. Treatments are not made according to a predetermined schedule; they are made only when and where monitoring has indicated that the pest will cause unacceptable economic, medical, or aesthetic damage. Treatments are chosen and timed to be most effective and least disruptive to natural controls of pests. Least hazardous, but effective, pesticides are used as a last resort.

E4.1.3.2. Process. IPM in the Department of Defense shall be based on seven steps that are routine procedures for addressing each pest problem. These steps are:

E4.1.3.2.1. Identification and assessment of pest or disease vector problems.

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E4.1.3.2.2. Development of a written management plan or strategy that emphasizes natural controls and non-chemical tactics to deal with pest and disease vector problems.

E4.1.3.2.3. Establishment of an action threshold for each pest and disease vector problem to define when corrective action must be implemented.

E4.1.3.2.4. Use of a monitoring procedure, such as inspection, trapping, or surveillance, for each pest and disease vector.

E4.1.3.2.5. Application of corrective action when a threshold is reached for any pest or disease vector.

E4.1.3.2.6. Use of a documentation system to catalogue monitoring information and to document management problems.

E4.1.3.2.7. Verification and evaluation procedures to ensure that the IPM program is meeting stated risk reduction measures and that information exists to redesign the IPM plan where required.

E4.1.4. Installation Consultative Support, Program Reviews and Audits

E4.1.4.1. Consultative Support. The DoD Components shall ensure that installations receive state-of-the-art technical assistance in IPM.

E4.1.4.2. Command Program Reviews. To ensure adequate oversight of DoD Component Pest Management Programs, DoD Component pest management consultants or designated pest management professionals shall conduct on-site reviews of installation pest management programs at least every 36 months with the following exceptions:

E4.1.4.2.1. Installations requiring less than 0.5 work-years of pest management services shall be reviewed at the discretion of the cognizant pest management consultant.

E4.1.4.2.2. Installations that receive pest management support from another DoD installation shall be reviewed during the review of the supporting installation.

E4.1.4.2.3. Installations with documented pest management problems, such as deficiencies from environmental compliance

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audits, State inspections, or Federal inspections, should be reviewed annually until the deficiencies are resolved.

E4.1.4.2.4. On-site review requirements can be met by formal program reviews, environmental audits or assistance visits.

E4.1.4.3. Environmental Compliance Audits

E4.1.4.3.1. The Components shall ensure that pest management consultants or designated pest management professionals are available, on request, to provide technical assistance for the pesticide portion of environmental audits, to provide follow-up assistance to audits, or to further evaluate audit findings.

E4.1.4.3.2. The Components shall ensure installations notify the appropriate pest management consultant whenever Federal, State, or local regulators ask to inspect pest management operations. As directed by the Components, pest management consultants shall provide technical coordination services for such inspections consistent with existing Memoranda of Agreement between the Department of Defense and State pesticide regulatory offices relating to use or application of pesticides.

E4.1.5. Training and Certification of Pest Management Personnel

E4.1.5.1. Personnel Qualifications. Installation pest management programs are comprehensive and include all pest management operations on an installation to support facilities engineering, non-appropriated funds, leased or out-leased activities, contract operations, materiel resources, etc. Therefore, the installation pest management coordinator shall have an appropriate position, educational background, and management skills to implement the plan for the Installation Commander. DoD pesticide applicators shall meet the job qualification standards specified by the OPM. Outside of the United States, DoD pesticide applicators shall comply with subsection 2.5. of the main body of this Instruction.

E4.1.5.2. Training and Certification. All installation pest management personnel who apply or supervise the application of pesticides shall be trained and certified within 2 years of employment in accordance with the DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides, reference

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(d), or an EPA-approved State certification plan. Personnel who are undergoing apprenticeship training, but are not yet certified, shall apply pesticides only under the direct supervision of a certified pesticide applicator.

E4.1.5.2.1. IPM and pesticide application requirements may vary with installation mission, location, size, and environmental considerations. Some installations may have unique requirements. Training requirements for individual pesticide applicators may vary due to the pest management categories and complexity of the work to be performed. Therefore, the Component's senior pest management consultants shall determine the training and experience necessary to perform the pest management activities within their areas of responsibility. The minimum training for DoD installation pesticide applicators or contractors shall be that required by the EPA for certification in the applicable pesticide application categories. However, additional training beyond certification may be required due to the circumstances at a particular installation or the nature of the work to be done. These additional pest management training requirements may be fulfilled by successful completion of any DoD, other Federal agency, State, local, or private pest management training, provided the specific DoD requirements would be satisfied by the training.

E4.1.5.2.2. Both DoD-certified and State-certified pesticide applicators shall be recertified every 3 years in accordance with the DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)) and FIFRA (reference (e)), respectively. Designated Component-certifying officials may administratively extend individual certifications for up to 6 months for cause.

E4.1.5.2.3. Contractor employees performing pest management work on a DoD installation shall be certified prior to the beginning of the contract under a State plan accepted in the State in which the work is performed. The contractor shall provide evidence of certification in all appropriate pest management categories. Additionally, the contractor shall provide evidence of training and experience equivalent to that determined by the Components as necessary to satisfy the performance requirements for the particular pest management function to be contracted. Successful bidders for contracts shall be afforded the opportunity to receive initial DoD pest management training on a space-available basis at the contractor's expense.

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E4.1.5.2.4. QAEs, trained in pest management, shall monitor and evaluate contractor performance for pest management services, unless a DoD employee, certified in accordance with the DoD Plan for the Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)), is available to assist the QAE. If an installation's pest management contract efforts are less than 0.25 work-year, the presence of a trained QAE at the installation is recommended, but is not mandatory.

E4.1.5.2.5. The DoD Components shall encourage all eligible professional pest management personnel to obtain appropriate certification in accordance with reference (d) and FIFRA (reference (e)) and to obtain certification from applicable professional boards and professional certifying organizations. Professional pest management personnel shall be certified if their duties include:

E4.1.5.2.5.1. Making recommendations for the use of pesticides, applying pesticides, or directly supervising the application of pesticides.

E4.1.5.2.5.2. Conducting demonstrations on the proper use and techniques of pesticide application or the supervision of such demonstrations.

E4.1.5.2.5.3. Conducting field research that includes using or supervising the use of pesticides.

E4.1.5.2.6. DoD personnel and family members who apply pesticides under DoD installation self-help programs or for their own relief are exempted from the certification requirement. Requirements for operational and deployable military personnel are described in section E4.1.8. of this enclosure, below.

E4.1.6. Pesticides and Pest Management Equipment

E4.1.6.1. Procurement of Pest Management Materiel

E4.1.6.1.1. AFPMB shall approve all introduction, stockage, and deletion of pest management materiel managed by the Defense Logistic Agency (DLA) for use in DoD programs. Enclosure E7 provides specific procedures for AFPMB review and approval of pesticides and equipment.

E4.1.6.1.2. The DoD Components shall not procure or acquire pest management materiel that has not been recommended by the AFPMB or approved by the cognizant Component pest management

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consultant. National Stock Numbers (NSNs) shall not be assigned to pest management materiel for use by the Department of Defense that has not been approved by the AFPMB. Upon approval by the appropriate pest management consultant, pest management materiel may be procured locally if needed for an emergency, if required due to unique local situations, or if required in quantities so small that assignment of an NSN is not practical.

E4.1.6.2. Pesticide Storage Facilities. The design of pesticide storage facilities shall comply with standards described in MIL-HDBK-1028/8A, "Military Handbook, Design of Pest Management Facilities," November 1991. Existing facilities shall comply with all applicable regulatory standards and shall, where feasible, be modified to meet the standards for new pesticide storage facilities.

E4.1.6.3. Pesticide Disposal. Installation Commanders shall ensure that installation pest management programs are managed to ensure pesticides do not become hazardous wastes. The installation pest management coordinator shall ensure that excess EPA-registered pesticides are either returned to the DLA Materials Return Program, transferred to a DoD installation able to use the materiel, or transferred to the servicing Defense Reutilization and Marketing Office. The appropriate DoD pest management consultant shall, if requested, provide assistance in identifying installations where usable pesticides could be used. When the EPA publishes a proposed pesticide regulatory action involving pesticide label suspension or cancellation that affects the Department of Defense, the Components and installations shall comply with administrative procedures developed between the DLA and AFPMB. The Components shall use the guidance in AFPMB TIM 21, "Pesticide Disposal for Pest Control Shops," October 1986, for pesticide disposal.

E4.1.6.4. Pesticide Safety. To ensure the safe use of pesticides, DoD personnel shall handle and apply pesticides in accordance with the product's label directions and AFPMB TIM 14, "Personal Protective Equipment for Pest Management Personnel," May 1992; TIM 15, "Pesticide Spill Prevention and Management," June 1992; TIM 16, "Pesticide Fires: Prevention, Control and Cleanup," January 1981; and TIM 21, "Pesticide Disposal Guide for Pest Control Shops," October 1986. DoD policy prohibits construction of buildings with heating, ventilation and air conditioning (HVAC) ducts located in and below the floor to prevent accidental contamination of the ducts with termiticides. Similarly, DoD policy prohibits post-construction treatment of

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structures with HVAC ducts without a waiver from the Component pest management consultant.

E4.1.6.5. Electrically Operated Devices. It is DoD policy to not use electromagnetic exclusion or control devices, ultrasonic repellent or control devices, and outdoor devices for electrocuting flying insects on DoD installations, except as noted in AFPMB TIM 25, "Devices for Electrocutation of Flying Insects," August 1988. However, indoor devices for electrocuting flying insects can be used when selected, purchased, located, and used in accordance with AFPMB Technical Information Memorandum 25. Pest surveillance traps and monitoring equipment, such as non-electrocuting mosquito light traps, shall be used as integral tools for IPM programs.

E4.1.6.6. Paints and Coatings Containing Pesticides and other Biocides. DoD policy prohibits use of paints containing insecticides on DoD property. This guidance applies to both interior or exterior paints that contain insecticides intended for application to broad structural surfaces such as walls, ceilings, and siding. It also applies to insecticides formulated and labeled for use as paint additives. Paints containing fungicides as mildew inhibitors may be used when application directions specify no special restrictions due to the fungicide. Approved marine anti-fouling compounds or coatings may be applied to protect surfaces of watercraft.

E4.1.6.7. Preventive or Scheduled Pesticide Treatments. DoD policy prohibits the use of regularly scheduled, periodic pesticide applications except in situations where the installation pest management plan clearly documents that no other technology or approach is available to protect personnel or property of high value. Installations shall not use preventive pesticide treatments unless the appropriate pest management consultant has given approval based upon current surveillance information or records documenting past disease vector or pest problems that require this approach.

E4.1.7. Pest Management Contracting

E4.1.7.1. Background. The Department of Defense shall use pest management contracts when cost-effective or when advantageous for non-routine, large-scale, or emergency services, especially when specialized equipment or expertise is needed. Contractors shall comply with State regulatory requirements in the State where the work will be performed regarding certification, licensing, and registration of pest management

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companies and their employees. Outside of the United States, contractors shall comply with section 2.5. of the main body of this Instruction.

E4.1.7.2. Review and Approval. Pest management consultants shall review and approve contract documents for pest management operations including augmentation contracts to ensure that appropriate pest management standards and IPM are specified. Contracting offices shall award augmentation contracts only when the respective pest management consultant has verified that the contract will provide necessary services beyond the capability of any in-house staff. The Components shall encourage installations that lack expertise in pest management to request the services of a DoD pest management consultant to develop the technical portions of pest management contracts in accordance with DoD/AFPMB Guideline Performance Work Statement (GPWS) for Contract Pest Control, July 1986. Pest management consultants shall act as technical consultants during the performance of contracted work.

E4.1.7.3. Quality Assurance.

E4.1.7.3.1. The Components shall ensure that QAEs, who inspect the performance of contractor-provided pest management services, are trained in pest management.

E4.1.7.3.2. Installation Commanders shall base pest management QAE staffing decisions on the following factors:

E4.1.7.3.2.1. The number of pest management operations requiring 100 percent inspection.

E4.1.7.3.2.2. The number of different functions being performed simultaneously.

E4.1.7.3.2.3. The scope of the contract including required productive work-years.

E4.1.7.3.2.4. The level of monitoring or surveillance required for each operation.

E4.1.8. Specialized Pest Management Operations

E4.1.8.1. Aerial Application of Pesticides. Documentation for aerial application projects shall be in accordance with DoD and Component environmental requirements including compliance with the requirements of the NEPA (reference (i)). The DoD

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Components shall ensure that a designated pest management consultant at the major command level or higher, who is certified in the aerial application pest control category, approves all proposed pest management projects that involve the aerial application of pesticides. Approval shall be obtained before aerial application operations commence. DoD Component pest management consultants shall collaborate, as appropriate, with the 910th Airlift Wing (Air Force Reserve) during the review and approval process for aerial spray projects to be completed by the 910th. Installation commanders shall ensure that installation personnel update documentation for project approval if subsequent aerial application operations are planned.

E4.1.8.2. Disinsection of Military Aircraft. DoD personnel shall disinsect military aircraft for disease vectors and agricultural pests only when:

E4.1.8.2.1. Required by a foreign nation as a prerequisite to entry as specified in the DoD Foreign Clearance Guide (reference (j)).

E4.1.8.2.2. Mandated by the U.S. Department of Health and Human Services or the U.S. Department of Agriculture.

E4.1.8.2.3. Directed by a command-level or higher authority who, consistent with Joint Service regulation, "Quarantine Regulations of the Armed Forces," January 24, 1992, has determined that the point of embarkment has active vector-borne disease.

E4.1.8.2.4. No passengers are on board (except when mandated by the DoD Foreign Clearance Guide (reference (j))).

E4.1.8.3. Forest Pests. The Components shall cooperate with the USDA, Forest Service, on applicable pest management programs including annual USDA funding for forest insect and disease suppression projects on DoD-controlled land in accordance with the MOA between the USDA and the Department of Defense (reference (k)) and Joint Service Technical Manual, "Weed Control and Plant Growth Regulation," May 24, 1989.

E4.1.8.4. Medically Important Pests. The DoD Components shall ensure that responsibilities for surveillance and control of medically important insects and other arthropods are clearly delineated in installation pest management plans and operational plans. Specific guidance on the surveillance and control of

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Lyme disease vectors is found in AFPMB TIM 26, "Lyme Disease-Vector Surveillance and Control," March 1990.

E4.1.8.5. Nuisance Pests. Installation pest management personnel shall not apply pesticides or other control procedures for nuisance pests unless such measures have been approved by the appropriate pest management consultant.

E4.1.8.6. Pesticide Applications in the Range of Endangered Species. The Components shall comply with regulations, including 16 U.S.C. 1531 et seq. (reference (1)), requiring Federal Agencies to ensure their actions will not jeopardize endangered or threatened species (ETS) or associated habitats. Installation Commanders shall ensure that their installation pest management plans identify areas within their installation that contain ETS and that personnel using pesticides on the installation know the potential impact that pesticide applications could have on ETS. DoD pest management plans shall comply with the ETS protection efforts of the U.S. Fish and Wildlife Service (FWS) and FWS limitations on pesticide usage. To prevent consultations before every pesticide application or operation in the habitat of an ETS, pertinent sections of installation pest management plan shall be submitted to the regional FWS office for review and comment. After initial coordination, only changes to the plan shall be forwarded to the FWS for review. Further coordination with the FWS is not required unless the conditions of the pesticide application(s) are changed as indicated by county bulletins, pesticide labels, ETS status, or land use. If the FWS arrives at a finding of "may affect" the ETS, and the pesticide application is considered a firm DoD requirement by the Installation Commander and cognizant pest management professional, the Installation Commander shall request a formal consultation with the FWS. OCONUS installations shall comply with section 2.5. of the main body of this Instruction.

E4.1.8.7. Pests in Health Care Facilities. Components shall ensure that pest management in health care facilities are conducted according to the guidance in AFPMB TIM 20, "Pest Management in Health Care Facilities," October 1989.

E4.1.8.8. Pest Management in Child Care and Food Service Facilities. DoD Components shall ensure that responsibilities for surveillance and control of insects and other arthropods in child care and Food Service are clearly delineated in installation pest management plans and operations.

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E4.1.8.9. Pest Management in Military Quarters and Housing

E4.1.8.9.1. Background. Installation Commanders shall ensure that residents of military quarters and housing practice good sanitation and correct minor nuisance pest problems. Quarters and housing occupants are responsible for controlling pests such as cockroaches, household infesting ants, and mice not originating in other quarters. Control of medically important pests, including venomous arthropods, which could affect human health, and structural pests, which could damage property, shall not be an occupant's responsibility.

E4.1.8.9.2. Installation Role

E4.1.8.9.2.1. Installation Commanders shall ensure that installation pest management services are provided in military housing only when the pest threatens Government property or the occupants' health, and the occupants have been unable to control the pests through self-help efforts. Exceptions shall only be made with the concurrence of the appropriate pest management consultant.

E4.1.8.9.2.2. Installation Commanders may allow residents of military housing to contract with licensed pest management companies at their own expense.

E4.1.8.9.3. Self-Help Program

E4.1.8.9.3.1. The DoD Components shall establish installation self-help pest management for military housing when cost-effective and when IPM monitoring indicates the need for a self-help program. Self-help pest management materials issued to occupants of military housing may include cockroach and ant baits and/or traps, mouse traps, glue boards, and general-use pesticide aerosols with crack and crevice devices as recommended by the cognizant pest management consultant. Liquid pesticides should not be issued. The office designated to manage the installation's self-help program should coordinate procurement and storage of pest management materials with the installation pest management shop, hazardous material manager, and the DLA Supply Center.

E4.1.8.9.3.2. Installation Commanders shall ensure that self-help personnel provide written instructions and appropriate precautions, beyond those on pesticide labels, to military quarters and housing occupants to ensure proper pesticide application and safety.

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E4.1.8.9.3.3. If pesticides are issued to occupants, records must be maintained as described in subparagraph 5.3.22.7. of the main body of this Instruction. These records should enable installation self-help personnel to validate the occupant's attempts to control target pests before providing installation pest management services. Pest management consultants should review these records during annual reviews to evaluate the efficiency of the installation's self-help program.

E4.1.8.10. Pest Management at Closing Installations. Because pests may cause serious damage to unused facilities, the Components shall ensure that pest management consultants provide guidance needed to protect all closing or closed facilities from pests from the beginning of deactivation until property disposal.

E4.1.8.11. Quarantinable Pests. The Joint Service, "Quarantine Regulations of the Armed Forces," January 24, 1992, contains policy for quarantine regulations applicable to the Armed Forces.

E4.1.8.12. Stored Products Pests. The DoD Components shall implement measures to minimize insect and vertebrate pest damage to subsistence, clothing and textiles, medical, and other infestible stored materiel according to AFPMB TIM 27, "Stored Products Pest Monitoring Techniques," June 1992. The Components shall ensure fumigation of subsistence stocks follows the guidance provided in AFPMB TIM 11, "Hydrogen Phosphide Fumigation with Aluminum Phosphide," February 1987. Guidance for protecting Meal, Ready-to Eat Rations is available from Component pest management consultants. DLA Regulation 4145.31, "Stored Product Pest Management Program," June 8, 1990, provides pest management guidance on infestible stored products.

E4.1.8.13. Turf and Ornamental Pests. Installation Commanders shall implement measures to prevent unacceptable damage to shade trees, ornamental plantings, and turf (including golf courses) by insects, diseases and weeds. Further, they shall ensure that pesticide applications, if required, are based on specific identification of the target pest by trained personnel. The pest management plan shall identify recurring infestations. Installation Commanders shall ensure the installation pest management plan describes the use of IPM for turf and ornamental pests, and environmentally and economically beneficial land management practices, such as the use of native plants, to reduce pesticide use.

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E4.1.8.14. Undesirable Plants. The DoD Components shall develop programs to comply with the FNWA (reference (g)). The Components shall:

E4.1.8.14.1. Designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate the Component's undesirable plant management program.

E4.1.8.14.2. Plan, program, and budget to achieve, maintain, and monitor compliance with the FNWA (reference (g)).

E4.1.8.14.3. Ensure that installations complete and carry out cooperative agreements with State agencies regarding the management of undesirable plant species on installations.

E4.1.8.14.4. Establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements. The FNWA (reference (g)) does not require the Components to carry out programs on installations unless similar programs are being implemented on State or private lands in the vicinity of the installation.

E4.1.8.15. Vertebrate Pests. The Components shall manage vertebrate pests, in accordance with the MOA between the Department of Defense and USDA/APHIS/ADC (reference (m)), and:

E4.1.8.15.1. Implement vertebrate pest management programs including wildlife aircraft strike hazard reduction programs to prevent interference with operations, destruction of real property, and adverse impacts on health and morale.

E4.1.8.15.2. Cooperate with Federal, State and local agencies that have implemented animal damage control programs on adjacent public and private lands.

E4.1.8.15.3. Identify the potential for secondary and non-target effects to other organisms and design programs to preclude or minimize the risks.

E4.1.8.15.4. Obtain all applicable Federal, State and local permits.

E4.1.8.15.5. Use guidance in AFPMB TIM 37, "Feral Cats," February 1996, for conducting feral cat control programs.

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E4.1.8.16. Weed Control. Installation Commanders shall ensure that weed control is performed according to 16 U.S.C. 1001 (reference (n)) and Joint Service Technical Manual, "Weed Control and Plant Growth Regulation," May 24, 1989, on DoD installations. Herbicides will not be used in war except as provided for in E.O. 11850 (reference (o)).

E4.1.8.17. Wood-Destroying Organisms. The DoD Components shall ensure that:

E4.1.8.17.1. Pest management consultants review construction, repair, and termite control contract specifications for proper protection of wood where wood-destroying fungi and insects are present, and specify that termiticides, when needed, are applied at the highest EPA-labeled concentration and application rate.

E4.1.8.17.2. DoD-certified pesticide applicators or QAEs trained in pest management inspect contract applications of pesticides for the control of termites and other wood-destroying organisms.

E4.1.8.17.3. Trained personnel inspect wooden buildings and structures in the range of termites: annually in USDA geographic Region 1 or if Formosan or drywood termites are present; biennially in USDA Region 2; or triennially in Region 3 as determined by the cognizant pest management professional. Installation Commanders shall follow the guidance in AFPMB TIM 35, "Termite Inspection," February 1996, for these inspections.

E4.1.8.18. Wood Preservation. NAVFAC MO 312, "Wood Protection," May 1990, provides information on wood preservation. Components shall ensure that DoD pest management professionals review construction specifications and procurement contracts to minimize losses to real property and materiel by specifying:

E4.1.8.18.1. Proper use of wood products treated with preservatives (pesticides) where required to protect against losses caused by wood-destroying fungi and insects.

E4.1.8.18.2. Inspection of treated wood products, performed by trained installation personnel. This inspection shall require as a minimum:

E4.1.8.18.2.1. Examination of treated wood products to determine the presence of the American Lumber Standard Committee accredited inspection agency quality marking. Quality markings

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indicate conformance with the appropriate American Wood Preservers' Association (AWPA) and American National Standard Institute standards. Quality markings indicate the product has been tested by the agency indicated, the date it was tested, the type of use (above ground, ground contact, or marine contact suited), and the minimum amount of chemical preservative present. Unmarked material shall be tested by an independent third party. Certificates of Conformance from the treating company shall not be acceptable in place of physical inspection and testing.

E4.1.8.18.2.2. Random or planned sampling and testing.

E4.1.8.18.3. Programs to protect waterfront structures from decay and marine borers.

E4.1.9. Pest Management and Disease Vector Control during Military Contingency Operations, Readiness Training Exercises, and Deployments.

E4.1.9.1. Military personnel and contractors responsible for pest management and disease vector control during military contingency operations, readiness training exercises, and deployments shall apply pesticides consistent with the policies and procedures described in this Instruction.

E4.1.9.2. The application of pesticides for pest management and disease vector control during military contingency operations, readiness training exercises, and deployments shall be under the overall direction of personnel certified in accordance with the DoD Plan for the Certification of Applicators of Restricted Use Pesticides (reference (d)). Individuals who apply pesticides in these situations shall be certified in accordance with reference (d) or shall be under the direct or on-site supervision of individuals certified in accordance with reference (d). Shipboard independent duty technicians and other military personnel who have received special training for limited site application of pre-selected pesticides during military operations or deployments are exempt from the certification requirement. However, these individuals shall be fully trained, including hands-on training for these specific applications. The Military Services shall develop specific site training programs for these individuals and a means to document who has received this training. At a minimum, the training shall include the safe use and proper application of the limited, pre-selected pesticides for the specific site for which these individuals are trained.

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E4.1.9.3. Contractors who apply pesticides in these situations shall comply with the policy in subsection 2.5. in the main body of this Instruction.

E4.1.9.4. The Military Services shall ensure that pesticide use in these situations is recorded as stated in paragraph 5.3.4. of the main body of this Instruction.

E4.1.10. Reports and Records

E4.1.10.1. The DoD Components shall ensure that all DoD installations maintain complete daily records of pesticide applications and non-chemical pest management operations using DD Form 1532-1 or a computer-generated equivalent as stated in section 5.3.22.7. of the main body of this Instruction. These records shall account for all shop operations and shall provide a historical record of pest management operations and pesticide applications for each building, structure, or outdoor site.

E4.1.10.1.1. Records shall include information on kinds, amounts, uses, dates, places of application, and applicators names and certification numbers.

E4.1.10.1.2. The record shall include all pesticide applications performed on the installation, including work done on golf courses, by non-appropriated fund activities, by contract services, and as part of out leases and land management and forestry programs, as well as work performed by installation pest management shops.

E4.1.10.2. DD Form 1532, "Pest Management Report," or an equivalent computer product, shall be produced monthly using DD Form 1532-1 information and shall be forwarded at least quarterly to major command headquarters for review and oversight.

E4.1.10.3. Pest management consultants shall use this data to evaluate the efficiency of the overall installation pest management program and pest management operations.

E4.1.10.4. Pesticides applied by installation personnel for their own relief are excluded from the recordkeeping requirement.

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E5. ENCLOSURE 5

AFPMB FUNCTIONS, ORGANIZATION AND MANAGEMENT

E5.1.1. Functions. The purpose of the AFPMB is to recommend policy, provide scientific advice, and provide coordination among the DoD Components on all matters related to pest management. The AFPMB shall:

E5.1.1.1. Develop and recommend policy to the Under Secretary of Defense (Acquisition & Technology) for the DoD Pest Management Program.

E5.1.1.2. Coordinate pest management activities in the Department of Defense.

E5.1.1.3. Develop, issue, and maintain manuals and other guidance necessary to implement the technical requirements of FIFRA (reference (e)).

E5.1.1.4. Implement the DoD Plan for Certification of Pesticide Applicators of Restricted Use Pesticides (reference (d)) and develop comprehensive training guidance for DoD pest management personnel.

E5.1.1.5. Coordinate DoD contingency disease vector and pest management with the Chairman of the Joint Chiefs of Staff, the Combatant Commands and other contingency planning organizations.

E5.1.1.6. Serve as an advisory body to the DoD Components and provide timely scientific and professional pest management advice.

E5.1.1.7. Develop and distribute technical information and guidance on pest management to the Components by means of Technical Information Memoranda, Disease Vector Ecology Profiles and similar publications.

E5.1.1.8. Review and approve any introduction, stockage, and deletion of pest management materiel by the DLA in the DoD supply system. The AFPMB does not review or approve disinfectants or biocides.

E5.1.1.9. Operate the DPMIAC.

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E5.1.1.10. Coordinate and develop requirements for pest management research, development, and testing in the Department of Defense:

E5.1.1.10.1. Provide technical coordination for the annual review of USDA pest management research of interest to the Department of Defense;

E5.1.1.10.2. Provide research requirements and recommendations to the Director of Defense Research Engineering, or designee, and to other organizations performing pest management research, development, and testing for the Department of Defense.

E5.1.1.11. Establish committees that shall function in accordance with DoD Directive 5105.18 (reference (p)) to facilitate the performance of AFPMB functions.

E5.1.1.12. Support the Defense Environmental Security Council and the Environmental Safety and Occupational Health Policy Board in the area of pest management.

E5.1.1.13. Perform other functions as assigned.

E5.1.2. Organization and Management. The AFPMB, a joint DoD activity comprised of the Council and Committee structure, the Directorate, and the DPMIAC, shall be organized and managed as follows:

E5.1.2.1. The Council, a part-time approval, coordination and advisory body of the AFPMB, shall be composed of 13 voting members appointed from the Military Departments and DLA. Each Military Department may appoint up to 4 members. The DLA may appoint one member. Members shall be professional pest management personnel whenever possible. Other DoD Components with operational pest management programs may request membership. Other DoD Components or Federal Agencies may be invited by the Council to participate in Council meetings when matters of common interest are under consideration. However, invited participants may not vote.

E5.1.2.1.1. The Council shall elect from among its membership a chair of the AFPMB and a vice-chair who will serve in the absence of the chair. They shall serve 2-year terms that may be extended by reelection. The chair shall preside over meetings of the Council and the Board; establish standing and ad hoc committees and task groups to assist the Council in

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performing its functions; and call at least three meetings annually to carry out the mission of the Board.

E5.1.2.1.2. The Council may develop procedural rules necessary to accomplish its mission.

E5.1.2.2. The Directorate shall be the full-time administrative and operational body of the Board. It shall be composed of an Executive Director; an Assistant Executive Director; a Contingency Liaison Officer (CLO); a Research Liaison Officer (RLO); the Chief, Defense Pest Management Information Analysis Center; and any professional, technical, and clerical personnel necessary for its operation and administration.

E5.1.2.2.1. The Executive Director shall be an active duty military medical entomology officer, preferably in the grade 0-6, nominated by the respective Surgeon General of the Military Departments, and appointed by the DUSD(ES) for a period of 4 years. When practical, appointees shall rotate in the order of the Army, Navy, and Air Force. The Executive Director shall supervise the Directorate, provide assistance to the Council as required, and perform other tasks the DUSD(ES) may assign. The Executive Director shall also serve as the Director of Defense Pest Management, Office of the DUSD(ES).

E5.1.2.2.2. The Assistant Executive Director shall be an active duty military medical entomology officer, with a minimum grade of 0-5. Length of tour, nomination, and appointment procedures shall be the same as for the Executive Director. The Assistant Executive Director shall serve in the absence of the Executive Director.

E5.1.2.2.3. The CLO shall be an appropriately trained active duty medical entomology officer, with a minimum grade of 0-5 and extensive field and staff experience. Length of tour, nomination, and appointment procedures shall be the same as for the Executive Director. The CLO shall serve as the principal contact between the AFPMB and the Chairman of the Joint Chiefs of Staff, Unified Combatant Commands, and Component service organizations lacking a staff medical entomologist. The CLO shall support the contingency, readiness, and deployment functions of the AFPMB. The CLO shall provide updated information on specific vector-borne disease threats in any country in the world in coordination with the DPMIAC, shall assist in the development of appropriate sections of operational

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plan medical annexes, and shall identify resources for surveillance and control of disease vectors for specific operations.

E5.1.2.2.4. The RLO shall be an active duty military medical entomology officer, with a minimum grade of O-5, with experience in both research and administration. The length of tour, nomination, and appointment procedures shall be the same as for the Executive Director. The RLO shall coordinate the research and evaluation function of the AFPMB and shall serve as the principal contact between the AFPMB and other Federal agencies' pest management research offices.

E5.1.2.2.5. The DPMIAC shall be the center for collection and analysis of scientific and technical integrated pest management and disease vector information. It shall, upon request, distribute this information to the DoD Components, the Chairman of the Joint Chiefs of Staff and Combatant Commands. It shall also assist committees, task groups, and the AFPMB Council; provide resource material; and develop pest management TIMs, bulletins, and other guidance for the DoD Components, the Chairman of the Joint Chiefs of Staff and Combatant Commands. Each of the Military Departments shall provide one medical entomology officer to the staff of the DPMIAC. Medical entomology consultants of the three Military Departments shall nominate personnel for approval by the Executive Director.

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F6. ENCLOSURE 5

REQUIREMENTS FOR INSTALLATION PEST MANAGEMENT PROGRAMS

Post Management Requirement (Productive Work-years)	Installation Pest Management Plan Requirement	On-site Program Review Requirement
Less than 0.49	Individual plan is not required, but requirements shall be included in supporting installation's pest management plan	Review interval determined by the pest management consultant that reviews the supporting installation's pest management plan
0.50 or more	Individual pest management plan is required	At least every 36 months

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E7. ENCLOSURE 7

PROCEDURES FOR THE ACQUISITION OF PEST MANAGEMENT EQUIPMENT AND PESTICIDES

E7.1.1. The AFPMB, shall:

E7.1.1.1. Operate as the single point of contact for, and maintain liaison with, other Government agencies in all professional and technical matters involving pest management materiel.

E7.1.1.2. Coordinate the introduction and standardization of pest management materiel.

E7.1.1.3. Continually evaluate pest management materiel that is in the Federal supply system.

E7.1.1.4. Coordinate with the appropriate commodity integrated material managers (CIMMs) for the introduction, revision, and deletion of pest management materiel.

E7.1.2. The appropriate CIMM shall submit cataloging actions only for pest management materiel that has been approved by the AFPMB. Unapproved materiel shall be referred to the AFPMB for consideration.

E7.1.3. The DoD Components shall request approval of stocking of pest management materiel through command channels to the AFPMB. Such requests shall include the necessary technical and supply management information. Once approved by the AFPMB, the request shall be given to the CIMM for cataloging action. Proposals from the Components recommending revision to and deletion of pest management materiel from the supply system shall be submitted to the AFPMB in the same manner. When pest management materiel is decentralized for procurement from local sources, procuring activities shall ensure that item identification changes are proposed when such materiel requires changes to the Federal item identification. Proposed item identification changes shall be processed through the AFPMB to the CIMM. When items no longer are available for procurement, procurement activities shall inform the AFPMB so that deletion and replacement recommendations, when appropriate, can be made by the AFPMB through the appropriate CIMM.

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E7.1.4. Except as specifically authorized in this Instruction, the Components may not procure or acquire pest management materiel that has not been approved by the AFPMB. NSNs will not be assigned to pest management materiel for DoD use that has not been approved by the AFPMB.

E7.1.5. When approved by the pest management consultant concerned, pest management materiel may be procured locally if needed for an emergency, required due to unique local situations, or used in quantities so small that assignment of an NSN is not feasible. Installations shall make every effort to use pest management materiel in the DoD Supply System before requesting local purchase authority. In answer to AFPMB data calls, the Components shall provide the AFPMB with memoranda listing all locally procured pest management materiel they have approved. The listings shall include the amount purchased, the proposed use, and any other information needed by the AFPMB. The AFPMB shall monitor the appropriateness of locally procured pest management materiel for use in the Department of Defense. When justified, the AFPMB shall request that an NSN be assigned to pest management materiel.

E7.1.6. The AFPMB shall base its decisions upon data from all available sources. When additional testing and evaluation are required, the U.S. Navy Bureau of Medicine and Surgery shall provide data from studies on user efficacy and military application of commercial equipment, and the U.S. Army Medical Department shall provide data from studies on pest management equipment engineering and durability.

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E8. ENCLOSURE 8

CONTENT OF INSTALLATION PEST MANAGEMENT PLANS, SUGGESTED FORMAT

Installation pest management plans shall include the following basic elements listed below as the elements apply to each individual installation:

1. Cover Sheet

a. Title

b. Installation Name

c. Approval and Technical Review (signatures):

- (1) Installation Pest Management Coordinator
- (2) Installation Environmental Coordinator
- (3) Installation Medical Officer
- (4) Senior Installation Engineer
- (5) Component Pest Management Consultants
- (6) Installation Commander

d. Date of Last Annual Review

e. Date of Last On-Site Review

2. Executive Summary

3. Installation Implementation Authority (Installation instruction, standard operating procedure, etc.), if applicable.

4. Introduction

- a. Objective of the pest management plan
- b. Installation description and mission

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c. Responsibilities for conduct of the pest management program.

5. Pest Management Requirements and Strategies for Applicable Pest/Disease Vector Categories (for each pest/disease vector category describe the IPM strategy as outlined on page 6-6).

a. Disease Vectors and Other Health-Related Pests

b. General Household and Nuisance Pests

c. Structural Pests

d. Weed Control

e. Stored Products Pests

f. Pests of Ornamental Plants and Turf

g. Pests of Natural Resources

h. Golf Course Pests

i. Miscellaneous Pests

j. Vertebrate Pests

k. Other categories

6. Administration

a. Job Orders

b. Contracts

c. Inter-Service Support Agreements

d. Outleases

e. Resources (Current and Proposed)

(1) Funding

(2) Staffing

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(3) Materials (Pesticides, Equipment, Supplies, etc.)

(4) Facilities

f. Reports and Records

g. Training Plans

h. Coordination with Food Service Managers, Maintenance Personnel, etc.

i. Termite Inspection Plan

7. Health and Safety Measures

a. Requirements

b. Methods to Reduce Potential Hazards to:

(1) Pest Management Personnel

(2) Installation Personnel (including housing occupants)

(3) Public

c. Safety and Health Measures Associated with the Pest Management/Control Shops.

d. Safety and Health Measures Associated with Pest Management Vehicles

8. Public Laws and Regulations

9. Coordination with other Organizations and Agencies

10. Measures for Compliance with Memorandum of Understanding with State Pesticide Regulatory Office(s)

11. Pest Management Operations with Special Environmental Considerations

a. Operations using Restricted Use Pesticides

b. Operations with Potential to Contaminate Surface or Groundwater

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c. Operations more than 640 Acres.

Species
d. Operations in Areas with Endangered or Protected

e. Operations involving Aerial Application

f. Operations involving Designated Noxious Weeds

g. Operations involving Experimental-Use Permits

h. Operations involving Environmentally Sensitive Areas

12. Other Pest Management Plan Issues

a. Applicable Pollution Control Projects

b. Applicable Pollution Abatement Procedures

c. Pesticides Sold in Commissaries and Exchanges

13. Pest Management Plan for Services Provided to other Activities or Installations

a. On Installation

b. Off Installation

14. Annexes

a. Installation Map

b. Annual Pesticide Procurement Approval Obtained from the Cognizant Component Pest Management Consultant prior to Procurement of Pesticides

c. Pesticide Inventory including pesticide name, manufacturer, unit of issue, concentration, quantity, NSN, etc.

d. Pesticide Labels, Material Safety Data Sheets, and Consumer Protection Information Sheets for Preservative Treated Wood Products

e. Operational Control and Maintenance Records from Previous Years

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- f. Applicable Instructions and Procedures
- g. Contracting Standards, Specifications, and Statements
of Work
- h. Manpower Surveys
- i. Shop Equipment and Sources
- j. List of Safety Items and Personal Protective
Equipment
- k. Technical Information
- l. Spill Plan and Pesticide Clean-up Guidance
- m. Industrial Hygiene Surveys of Pest Management Shop
- n. Cost Comparison Analyses

IPM PLAN OR STRATEGY OUTLINE

1. Pest or Disease Vector Problem
 - a. Target life stage or stages
 - b. Reason this pest or disease vector is a problem
2. Ongoing Monitoring Plan
 - a. Responsible organization or official
 - b. Techniques and procedures
 - c. Location or locations (specify)
 - d. Schedule
 - e. Threshold for management and/or control
3. IPM Strategy and Methods
 - a. Responsible organization or official

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b. Nonchemical controls (biological, cultural, mechanical, etc.)

- (1) Techniques or procedures
- (2) Method of application, if applicable
- (3) Sites/locations to receive non-chemical control

c. Pesticide Applications

- (1) Common name
- (2) EPA Registration number
- (3) Formulation
- (4) Percent of active ingredient
- (5) Source or NSN
- (6) Application concentration
 - (a) Finished formulation
 - (b) Diluent
 - (c) Application rate
 - (e) Method of application
- (7) Location or locations to be treated. For each specific site include units (such as square feet or acres) treated, number of applications, schedule of treatment, and climate or weather constraints.

4. Evaluation Procedures and Standards Used to Verify the IPM Strategy such as Acceptable Quality Levels (AQL) for in-house functions or Maximum Defect Rates (MDR) for contractor performance.

5. Education Necessary for Installation Personnel to Support the IPM Strategy

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6. Sensitive Areas (with respect to each pest or disease vector) to be:

- a. Avoided by either nonchemical or chemical controls.
- b. Treated with caution.

7. Special Health and Safety Measures Required.

8. Control Procedures that Require Pest Management Consultant Approval or Coordination.

9. Other Procedures such as Emergency Requirements for Control of Vector-borne Disease.

10. Manpower Requirement for IPM Strategy (include method used to identify the personnel required).

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APPENDIX J

EXCERPT FROM DEPARTMENT OF DEFENSE INSTRUCTION 4165.57
AIR INSTALLATIONS COMPATIBLE USE ZONES

NUMBER 4165.57

November 8, 1977

ASD (MRA&L)

- References:
- (a) Department of the Air Force Manual 86-8, "Airfield and Airspace Criteria," November 10, 1964
 - (b) Department of the Navy Publication, NavFac P-272, "Definitive Designs for Naval Shore Facilities," July 1962
 - (c) Department of the Navy Publication, NavFac P-80, "Facility Planning Factor Criteria for Navy and Marine Corps Shore Installations"
 - (d) through (j), see enclosure 1

A. PURPOSE. This Instruction (1) sets forth Department of Defense policy on achieving compatible use of public and private lands in the vicinity of military airfields; (2) defines (a) required restrictions on the uses and heights of natural and manmade objects in the vicinity of air installations to provide for safety of flight and to assure that people and facilities are not concentrated in areas susceptible to aircraft accidents; and (b) desirable restrictions on land use to assure its compatibility with the characteristics, including noise, of air installations operations; (3) describes the procedures by which Air Installations Compatible Use Zones (AICUZ) may be defined; and (4) provides policy on the extent of Government interest in real property within these zones which may be retained or acquired to protect the operational capability of active military airfields (subject in each case to the availability of required authorizations and appropriations).

B. APPLICABILITY. This Instruction applies to air installations of the Military Departments located within the United States, its territories, trusts, and possessions.

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C. CRITERIA

1. General. The Air Installations Compatible Use Zone for each military air installation shall consist of (a) land areas upon which certain uses may obstruct the airspace or otherwise be hazardous to aircraft operations, and (b) land areas which are exposed to the health, safety or welfare hazards of aircraft operations.

2. Height of Obstructions. The land area and height standards defined in AFM 86-8 (reference (a)), NavFac P-272 (reference (b)), and P-80 (reference (c)), and TM 5-803-4 (reference (d)) will be used for purposes of height restriction criteria.

3. Accident Potential

a. General

(1) Areas immediately beyond the ends of runways and along primary flight paths are subject to more aircraft accidents than other areas. For this reason, these areas should remain undeveloped, or if developed should be only sparsely developed in order to limit, as much as possible, the adverse effects of a possible aircraft accident.

(2) DoD fixed wing runways are separated into two types for the purpose of defining accident potential areas. Class A runways are those restricted to light aircraft (see enclosure 2) and which do not have the potential for development for heavy or high performance aircraft use or for which no foreseeable requirements for such use exists. Typically these runways have less than 10% of their operations involving Class B aircraft (enclosure 2) and are less than 8000 feet long. Class B runways are all other fixed wing runways.

(3) The following descriptions of Accident Potential Zones are guidelines only. Their strict application would result in increasing the safety of the general public but would not provide complete protection against the effects of aircraft accidents. Such a degree of protection is probably impossible to achieve. Local situations may differ significantly from the assumptions and data upon which these guidelines are based and require individual study. Where it is desirable to restrict the density of development of an area, it is not usually possible to state that one density is safe and another is not. Safety is a

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relative term and the objective should be the realization of the greatest degree of safety that can be reasonably attained.

b. Accident Potential and Clear Zones (See Enclosure 3)

(1) The area immediately beyond the end of a runway is the "Clear Zone," an area which possesses a high potential for accidents, and has traditionally been acquired by the Government in fee and kept clear of obstructions to flight.

(2) Accident Potential Zone I (APZ I) is the area beyond the clear zone which possesses a significant potential for accidents.

(3) Accident Potential Zone II (APZ II) is an area beyond APZ I having a measurable potential for accidents.

(4) Modifications to APZs I and II will be considered if:

(a) The runway is infrequently used.

(b) The prevailing wind conditions are such that a large percentage (i.e., over 80 percent) of the operations are in one direction.

(c) Most aircraft do not overfly the APZs as defined herein during normal flight operations (modifications may be made to alter these zones and adjust them to conform to the line of flight).

(d) Local accident history indicates consideration of different area.

(e) Other unusual conditions exist.

(5) The takeoff safety zone for VPR rotary-wing facilities will be used for the clear zone; the remainder of the approach-departure zone will be used as APZ 1.

(6) Land use compatibility with clear zones and APZs is shown in enclosure 4.

4. Noise

a. General. Noise exposure is described in various ways. In 1964, the Department of Defense began using the

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Composite Noise Rating (CNR) system to describe aircraft noise. Several years ago the Noise Exposure Forecast (NEF) system began to replace CNR. In August 1974, the Environmental Protection Agency notified all Federal agencies of intent to implement the Day-Night Average Sound Level (Ldn) noise descriptor, and this was subsequently adopted by the DoD. This Ldn system will be used for air installations. Where AICUZ studies have been published using the CNR or NEF systems or where studies have progressed to the point that a change in the descriptor system is impractical or uneconomical, such studies may be published and continued in use. However, in such cases, data necessary for conversion to Ldn should be collected and studies should be revised as soon as time and budgetary considerations permit. However, if state or local laws require some other noise descriptor, it may be used in lieu of Ldn.

b. Noise Zones

(1) As a minimum, contours for Ldn 65, 70, 75 and 80 shall be plotted on maps as part of AICUZ studies.

(2) See section G. for a further discussion of Ldn use and conversion to Ldn from previously used systems.

D. POLICY

1. General. As a first priority step, all reasonable, economical and practical measures will be taken to reduce and/or control the generation of noise from flying and flying-related activities. Typical measures normally include siting of engine test and runup facilities in remote areas if practical and provision of sound suppression equipment where necessary, and may include additional measures such as adjustment of traffic patterns to avoid built-up areas where such can be accomplished with safety and without significant impairment of operational effectiveness. After all reasonable noise source control measures have been taken, there will usually remain significant land areas wherein the total noise exposure is such as to be incompatible with certain uses.

2. Compatible Use Land

a. General

(1) DoD policy is to work toward achieving compatibility between air installations and neighboring civilian

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communities by means of a compatible land use planning and control process conducted by the local community.

(2) Land use compatibility guidelines will be specified for each Clear Zone, Accident Potential Zone, Noise Zone and combination of these as appropriate.

(3) The method of control and regulation of land usage within each zone will vary according to local conditions. In all instances the primary objective will be to identify planning areas and reasonable land use guidelines which will be recommended to appropriate agencies who are in control of the planning functions for the affected areas.

b. Property Rights Acquisition

(1) General. While noise generated by aircraft at military air installations should be an integral element of land use compatibility efforts, the acquisition of property rights on the basis of noise by the Department of Defense may not be in the long term best interests of the United States. Therefore, while the complete requirement for individual installations should be defined prior to any programming actions, acquisition of interests should be programmed in accordance with the following priorities.

(2) Priorities

(a) The first priority is the acquisition in fee and/or appropriate restrictive easements of lands within the clear zones whenever practicable.

(b) Outside the clear zone, program for the acquisition of interests first in Accident Potential Zones and secondly in high noise areas only when all possibilities of achieving compatible use zoning, or similar protection, have been exhausted and the operational integrity of the air installation is manifestly threatened. If programming actions are considered necessary, complete records of all discussions, negotiations, testimony, etc., with or before all local officials, boards, etc., must be maintained. This will ensure that documentation is available to indicate that all reasonable and prudent efforts were made to preclude incompatible land use through cooperation with local government officials and that all recourse to such action has been exhausted. Such records shall accompany programming actions and/or apportionment requests for items programmed prior to the date of this Instruction. In addition, a

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complete economic analysis and assessment of the future of the installation must be included.

(i) Costs of establishing and maintaining compatible use zones must be weighed against other available options, such as changing the installation's mission and relocating the flying activities, closing the installation, or such other courses of action as may be available. In performing analyses of this type, exceptional care must be exercised to assure that a decision to change or relocate a mission is fully justified and that all aspects of the situation have been thoroughly considered.

(ii) When, as a result of such analysis, it is determined that relocation or abandonment of a mission will be required, then no new construction shall be undertaken in support of such activities except as is absolutely necessary to maintain safety and operational readiness pending accomplishment of the changes required.

(3) Guidelines. This Instruction shall not be used as sole justification for either the acquisition or the retention of owned interests beyond the minimum required to protect the Government.

(a) Necessary rights to land within the defined compatible use area may be obtained by purchase, exchange, or donation, in accordance with all applicable laws and regulations.

(b) If fee title is currently held or subsequently acquired in an area where compatible uses could be developed and no requirement for a fee interest in the land exists except to prevent incompatible use, disposal actions shall normally be instituted. Only those rights and interests necessary to establish and maintain compatible uses shall be retained. Where proceeds from disposal would be inconsequential, consideration may be given to retaining title.

(c) If the cost of acquiring a required interest approaches closely the cost of fee title, consideration shall be given to whether acquisition of fee title would be to the advantage of the Government.

3. Rights and Interests Which May Be Obtained. When it is determined to be necessary for the Federal Government to acquire interests in land, a careful assessment of the type of interest to be acquired is mandatory. Section F. of this Instruction

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contains a listing of possible interests which should be examined for applicability.

4. Environmental Impact Statements

a. Any actions taken with respect to safety of flight, accident hazard, or noise which involve acquisition of interests in land must be examined to determine the necessity of preparing an environmental impact statement in accordance with DoD Directive 6050.1, "Environmental Considerations in DoD Actions," March 19, 1974 (reference (e)).

b. All such environmental impact statements must be forwarded to appropriate Federal and local agencies for review in accordance with reference (e).

c. Coordination with local agencies will be in accordance with OMB Circular A-95 (reference (f)).

E. THE AIR INSTALLATION COMPATIBLE USE PROGRAM

1. The Secretaries of the Military Departments will develop, implement and maintain a program to investigate and study all air installations in necessary order of priority to develop an Air Installation Compatible Use Zone (AICUZ) program for each air installation consistent with Section D. AICUZ studies which contain an analysis of land use compatibility problems and potential solutions shall be developed and updated as necessary. As a minimum, each study shall include the following:

a. Determination by detailed study of flight operations, actual noise and safety surveys if necessary, and best available projections of future flying activities, desirable restrictions on land use due to noise characteristics and safety of flight;

b. Identification of present incompatible land uses;

c. Identification of land that if inappropriately developed would be incompatible;

d. Indication of types of desirable development for various land tracts;

e. Land value estimates for the zones in question.

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f. Review of the airfield master plans to ensure that existing and future facilities siting is consistent with the policies in this Instruction.

g. Full consideration of joint use of air installations by activities of separate Military Departments whenever such use will result in maintaining operational capabilities while reducing noise, real estate and construction requirements.

h. Recommendations for work with local zoning boards, necessary minimum programs of acquisition, relocations, or such other actions as are indicated by the results of the study.

2. Procedures. In developing AICUZ Studies the Secretaries of Military Departments shall:

a. Follow the review and comment procedures established under OMB Circular A-95 (reference (f));

b. Ensure that appropriate environmental factors are considered; and

c. Ensure that other local, state, or Federal agencies engaged in land use planning or land regulation for a particular area have an opportunity to review and comment upon any proposed plan or significant modification thereof.

3. Coordination with State and Local Governments. Secretaries of the Military Departments shall develop procedures for coordinating AICUZ Studies with the land use planning and regulatory agencies in the area. Developing compatible land use plans may require working with local governments, local planning commissions, special purpose districts, regional planning agencies, state agencies, state legislatures, as well as the other Federal agencies. Technical assistance to local, regional, and state agencies to assist them in developing their land use planning and regulatory processes, to explain an AICUZ Study and its implications, and generally to work toward compatible planning and development in the vicinity of military air fields, should be provided.

4. Property Rights Acquisition. The AICUZ Study shall serve as the basis for new land acquisitions, property disposal, and other proposed changes in Military Departments real property holdings in the vicinity of military airfields where applicable.

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5. Required Approvals. Based on the results of the AICUZ Studies, each Military Department will prepare recommendations for individual installations AICUZ programs for approval as follows:

a. The Secretaries of the Military Departments or their designated representatives will review and approve the AICUZ Studies establishing the individual air installation AICUZ program.

b. When relocation or abandonment of a mission or an installation is apparently required, the Secretaries of the Military Departments will submit the proposed plan for the installation, with appropriate recommendations, to the Secretary of Defense for approval.

c. A time-phased fiscal year plan for implementation of the AICUZ program in priority order, consistent with budgetary considerations, will be developed for approval by the Secretary of the Military Departments, or their designated representatives. These plans will serve as the basis for all AICUZ actions at the individual installations.

6. Coincident Actions. The Secretaries of the Military Departments will also take action to assure in accordance with section D.1. and D.2. that:

a. As the first priority action in developing an AICUZ program, full attention is given to safety and noise problems.

b. In all planning, acquisition, and siting of noise generating items, such as engine test stands, full advantage is taken of available alleviating measures, such as remote sites or sound suppression equipment.

c. The noise exposure of on-installation facilities personnel are considered together with that off the installation.

d. There is development or continuation with renewed emphasis of programs to inform local governments, citizens groups, and the general public of the requirements of flying activities, the reasons therefore, the efforts which may have been made or may be taken to reduce noise exposure, and similar matters which will promote and develop a public awareness of the complexities of air installation operations, the problems associated therewith, and the willingness of the Department of

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Defense to take all measures possible to alleviate undesirable external effects.

7. Responsibilities for the acquisition, management, and disposal of real property are defined in DoD Directive 4165.6, "Real Property, Acquisition, Management and Disposal," December 22, 1976 (reference (g)).

8. The Deputy Assistant Secretary of Defense (Installations and Housing) will examine the program developed pursuant to this Instruction, and from time to time review the progress thereunder to assure conformance with policy.

F. REAL ESTATE INTERESTS TO BE CONSIDERED FOR CLEAR ZONES AND ACCIDENT POTENTIAL ZONE

1. The right to make low and frequent flights over said land and to generate noises associated with:

a. Aircraft in flight, whether or not while directly over said land,

b. Aircraft and aircraft engines operating on the ground at said base, and

c. Aircraft engine test/stand/cell operations at said base.

2. The right to regulate or prohibit the release into the air of any substance which would impair the visibility or otherwise interfere with the operations of aircraft, such as, but not limited to, steam, dust, and smoke.

3. The right to regulate or prohibit light emissions, either direct or indirect (reflective), which might interfere with pilot vision.

4. The right to prohibit electrical emissions which would interfere with aircraft and aircraft communications systems or aircraft navigational equipment.

5. The right to prohibit any use of the land which would unnecessarily attract birds or waterfowl, such as, but not limited to, operation or sanitary landfills, maintenance of feeding stations or the growing of certain types of vegetation attractive to birds or waterfowl.

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6. The right to prohibit and remove any buildings or other nonfrangible structures.

7. The right to top, cut to ground level, and to remove trees, shrubs, brush, or other forms of obstruction which the installation commander determines might interfere with the operation of aircraft, including emergency landings.

8. The right of ingress and egress upon, over and across said land for the purpose of exercising the rights set forth herein.

9. The right to post signs on said land indicating the nature and extent of the Government's control over said land.

10. The right to prohibit land uses other than the following:

- a. Agriculture.
- b. Livestock grazing.
- c. Permanent open space.
- d. Existing water areas.
- e. Rights or way for fenced two lane highways, without sidewalks or bicycle trails and single track railroads.
- f. Communications and utilities right of way, provided all facilities are at or below grade.

11. The right to prohibit entry of persons onto the land except in connection with activities authorized under 1., 2., 3., and 6., of this section.

12. The right to disapprove land uses not in accordance with enclosure 4.

13. The right to control the height of structures to insure that they do not become a hazard to flight.

14. The right to install airfield lighting and navigational aids.

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G. AIR INSTALLATIONS COMPATIBLE USE ZONE NOISE DESCRIPTORS

1. Composite Noise Rating (CNR) and Noise Exposure Forecast (NEF) values as previously required by Sections III., IV., and V. of DoD Instruction 4165.57, "Air Installations Compatible Use Zones," July 30, 1973 (reference (j)) will no longer be used.

2. Where CNR 100 (or the quietest boundary of CNR Zone 2 if otherwise computed) or NEF 30 would previously have been used, data shall be collected sufficient to permit computation of Ldn 65 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

3. Where CNR 115 (or the boundary of CNR Zone 3 if otherwise computed) or NEF 40 would previously have been used, data shall be collected sufficient to permit computation of Ldn 75 noise contours, and these noise contours shall be plotted on maps accompanying AICUZ studies.

4. Where previous studies have used CNR or NEF, for matters of policy, noise planning and decisionmaking, areas quieter than Ldn 65 shall be considered approximately equivalent to the previously used CNR Zone 1 and to areas quieter than NEF 30. The area between Ldn 65 and Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 2 and to the area between NEF 30 and 40. The area of higher than Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 3 and to noise higher than NEF 40. The procedures shall remain in effect only until sufficient data to compute Ldn values can be obtained.

5. When computing helicopter noise levels using data collected from meters, a correction of +7db shall be added to meter readings obtained under conditions where blade slap was present until and unless meters are developed which more accurately reflect true conditions.

6. Noise contours less than Ldn 65 or more than Ldn 80 need not be plotted for AICUZ studies.

7. Since CNR noise levels are not normally directly convertible to Ldn values without introducing significant error, care should be exercised to assure that personnel do not revise previous studies by erroneously relabeling CNR contours to the approximately equivalent Ldn values.

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8. Where intermittent impulse noises are such as are associated with bombing and gunnery ranges are of importance, such noises will be measured using standard "C" weighting of the various frequencies to insure a description most representative of actual human response.

H. EFFECTIVE DATE AND IMPLEMENTATION. This Instruction is effective immediately. Forward two copies of implementing regulations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 90 days. (Final Rule of this Instruction was published in the Code of Federal Regulations under 32 CFR 256.)

JOHN P. WHITE
Assistant Secretary of
Defense (Manpower,
Reserve Affairs and
Logistics)

Enclosures - 4

1. List of additional references.
2. Runway Classification by Aircraft Types.
3. Accident Potential Zone Guidelines.
4. Land Use Compatibility Guidelines for Accident Potential Zones.

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Enclosure 1

Additional References

- (d) Department of the Army Technical Manual, TM 5-803-4, "Planning of Army Aviation Facilities, "March 1970
- (e) DoD Directive 6050.1, "Environmental Considerations in DoD Actions," March 19, 1974
- (f) Office of Management and Budget Circular A-95, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects," February 9, 1971
- (g) DoD Directive 4165.6, "Real Property, Acquisition, Management, and Disposal," December 22, 1976
- (h) DoD Instruction 4170.7, "Natural Resources - Forest Management," June 21, 1965
- (i) DoD Instruction 7310.1, "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products," July 10, 1970
- (j) DoD Instruction 4165.57, "Air Installations Compatible Use Zones," July 30, 1973 (hereby canceled)

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Enclosure 2

Runway Classification by Aircraft Type

Class A Runways

S-2 U-10
VC-6 U-11
C-1 LU-16
C-2 TU-16
TC-4C HU-16

C-7 U-21
C-8 QU-22
C-12 E-1
C-47 E-2
C-117 O-1

U-1 O-2
U-3 OV-1
U-6 OV-10
U-8 T-28
U-9 T-34
T-41
T-42

Class B Runways

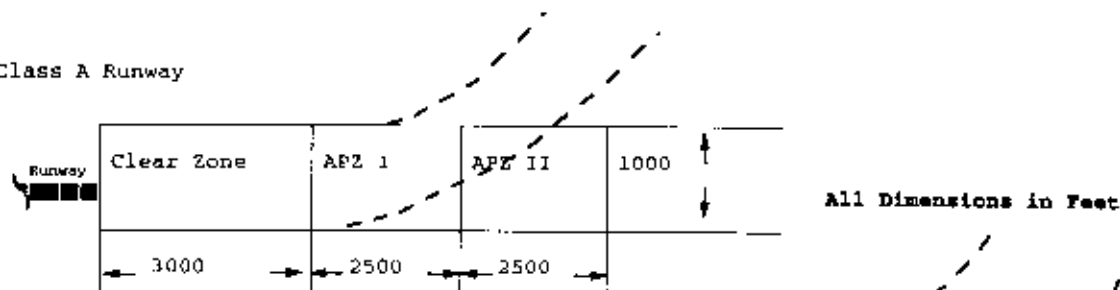
A-1	F-106	C-121
A-3	F-5	EC-121
A-4	F-15	WC-121
A-5		C-123
A-6	S-3	C-130
A-7	T-29	HC-130B
A-38	T-33	C-131
AV-8	T-37	C-140
P-2	T-39	C-5A
P-3	T-1	KC-97
F-9	T-2	C-124
F-14	T-38	EC-130E
F-4	B-52	HC-130
F-8	B-57	C-135
F-111	B-57F	VC-137
YF-12	B-66	C-141
SR-71	C-9	KC-135
F-100	C-54	EC-135
F-101	C-97	RC-135
F-102	C-118	U-2
F-104	C-119	
F-105		

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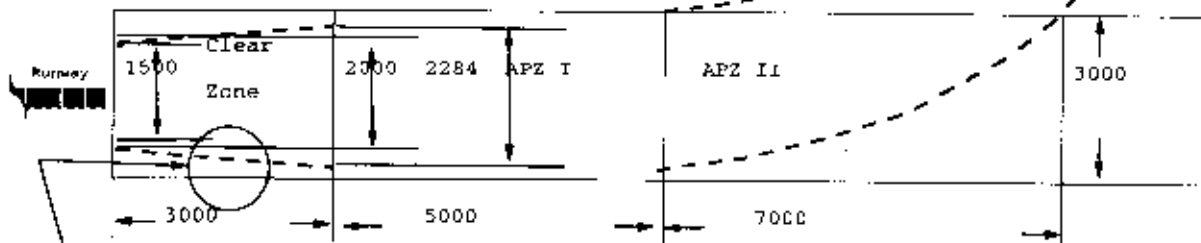
Enclosure 3

Accident Potential Zone Guidelines

Class A Runway



Class B Runway



Width of clear zone may be based on individual service analysis of highest accident potential area for specific runway use and varied based on acquisition constraints. 3000 foot wide clear zone is desirable for new construction.

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Enclosure 4

Land Use Compatibility Guidelines for Accident Potential

Zones and Footnotes

Land Use Category

Compatibility¹

	<u>Clear Zone</u>	<u>APZ I</u>	<u>APZ II</u>
<u>Residential</u>			
Single family	NO	NO	YES ²
2-4 family	NO	NO	NO
Multi-family dwellings	NO	NO	NO
Group quarters	NO	NO	NO
Residential hotels	NO	NO	NO
Mobile home parks or courts	NO	NO	NO
Other residential	NO	NO	NO
<u>Industrial/Manufacturing³</u>			
Food and kindred products	NO	NO	YES
Textile mill products	NO	NO	YES
Apparel	NO	NO	NO

¹ A "Yes" or "No" designation for compatible land use is to be used only for gross comparison. Within each, uses exist where further definition may be needed as to whether it is clear or normally acceptable/unacceptable owing to variations in densities of people and structures.

² Suggested maximum density 1-2 DU/AC, possibly increased under a Planned Unit Development where maximum lot covered less than 20%.

³ Factors to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution.

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Lumber and wood products	NO	YES	YES
Furniture and Fixtures	NO	YES	YES
Paper and allied products	NO	YES	YES
Printing, publishing	NO	YES	YES
Chemicals and allied products	NO	NO	NO
Petroleum refining and related industries	NO	NO	NO
Rubber and misc. plastic goods	NO	NO	NO
Stone, clay, and glass products	NO	YES	YES
Primary metal industries	NO	YES	YES
Fabricated metal products	NO	YES	YES
Professional, scientific, and controlling instruments	NO	NO	NO
Misc. manufacturing	NO	YES	YES
<u>Transportation, Communications & Utilities⁴</u>			
Railroad, rapid rail transit (on-grade)	NO	YES ⁴	YES
Highway and street ROW	YES	YES	YES
Auto parking	NO	YES	YES
Communication	YES	YES	YES
Utilities	YES	YES ⁴	YES
Other transportation, communications & utilities	YES	YES	YES
Commercial/retail trade			
Wholesale trade	NO	YES	YES

⁴ No passenger terminals and no major above ground transmission lines in APZ I.

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Building materials-retail	NO	YES	YES
General merchandise-retail	NO	NO	YES
Food-retail	NO	NO	YES
Automotive, marine, aviation-retail	NO	YES	YES
Apparel and accessories-retail	NO	NO	YES
Furniture, homefurnishing-retail	NO	NO	YES
Eating and drinking places	NO	NO	NO
Other retail trade	NO	NO	YES
<u>Personal and Business Services⁵</u>			
Finance, insurance, and real estate	NO	NO	YES
Personal services	NO	NO	YES
Business services	NO	NO	YES
Repair services	NO	YES	YES
Professional services	NO	NO	YES
Contract construction services	NO	YES	YES
Indoor recreation services	NO	NO	YES
Other services	NO	NO	YES
<u>Public and Quasi-Public Services</u>			
Government services	NO	NO	YES ⁵
Educational services	NO	NO	NO
Cultural activities	NO	NO	NO
Medical and other health services	NO	NO	NO

⁵ Low intensity office uses only. Meeting places, auditoriums, etc., not recommended.

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Cemeteries	NO	YES ⁶	YES ⁶
Non-profit organization incl. churches	NO	NO	NO
Other public and quasi-public services	NO	NO	YES

⁶ Excludes chapels.

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Outdoor Recreation

Playground's neighboring parks	NO	NO	YES
Community and regional parks	NO	YES ⁷	YES ⁷
Nature exhibits	NO	YES	YES
Spectator sports incl. arenas	NO	NO	NO
Golf course ⁸ , riding stables ⁹	NO	YES	YES
Water based recreational areas	NO	YES	YES
Resort and group camps	NO	NO	NO
Entertainment assembly	NO	NO	NO
Other outdoor recreation	NO	YES ⁷	YES

Resource Production & Extraction and Open Land

Agriculture ¹⁰	YES	YES	YES
Livestock farming, animal breeding ¹¹	NO	YES	YES
Forestry activities ¹²	NO ¹³	YES	YES

⁷ Facilities must be low intensity.

⁸ Clubhouse not recommended.

⁹ Concentrated rings with large classes not recommended.

¹⁰ Includes livestock grazing but excludes feedlots and intensive animal husbandry.

¹¹ Includes feedlots and intensive animal husbandry.

¹² No structures (except airfield lighting), buildings or above ground utility/communication lines should be located in the clear zone. For further runway safety clearance limitations pertaining to the clear zone see AFM 86-6 (reference (a)), TM 5-803- 4 (reference (d)) and NAVFAC P-80 (reference (c)).

¹³ Lumber and timber products removed due to establishment, expansion or maintenance of clear zones will be disposed of in accordance with DoD Instruction 4170.7, "Natural Resources - Forest Management," June 21, 1965 (reference (h)) and DoD Instruction 7310.1, "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products," July 10, 1970 (reference (i)).

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Fishing activities & related services ¹⁴	NO ¹⁵	YES ¹⁴	YES
Mining activities	NO	YES	YES
Permanent open space	YES	YES	YES ¹⁴
Water areas ¹⁴	YES	YES	YES

¹⁴ Includes hunting and fishing.

¹⁵ Controlled hunting and fishing may be permitted for the purpose of wildlife control.

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APPENDIX K

EXCERPT FROM DEPARTMENT OF DEFENSE INSTRUCTION 4715.5, MANAGEMENT
OF ENVIRONMENTAL COMPLIANCE AT OVERSEAS INSTALLATIONS

NUMBER 4715.5

April 22, 1996

USD(A&T)

SUBJECT: Management of Environmental Compliance at Overseas
Installations

- References:
- (a) DoD Directive 6050.16, "DoD Policy for Establishing and Implementing Environmental Standards at Overseas Installations," September 20, 1991 (canceled)
 - (b) DoD Directive 4715.1, "Environmental Security," February 24, 1996
 - (c) Section 342(b) of Public Law 101-510, "National Defense Authorization Act Fiscal Year 1991," November 4, 1990, referred to in 10 U.S.C. 2701, note
 - (d) Executive Order 12344, "Naval Nuclear Propulsion Program," February 1, 1982
 - (e) through (m), see enclosure 1

1. PURPOSE. This Instruction:

1.1. Replaces reference (a), which was canceled by reference (b).

1.2. As required by reference (c), implements policy, assigns responsibilities, and prescribes procedures under reference (b), establishing environmental compliance standards for protection of human health and the environment at DoD installations in foreign countries.

1.3. Provides for designation of DoD Environmental Executive Agents in accordance with subsection 6.1., below.

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2. APPLICABILITY AND SCOPE

2.1. This Instruction:

2.1.1. Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy), the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities, including any other integral DoD organizational entity or instrumentality established to perform a governmental function (hereafter referred to collectively as "the DoD Components").

2.1.2. Applies to the actions of the DoD Components at installations outside the United States, its territories, and possessions.

2.1.3. Does not apply to DoD installations that do not have the potential to affect the natural environment (e.g., offices whose operations are primarily administrative, including defense attaché offices, security assistance offices, foreign buying offices, and other similar organizations) or for which the DoD Components exercise control only on a temporary or intermittent basis.

2.1.4. Does not apply to the operations of U.S. military vessels, to the operations of U.S. military aircraft, or to off-installation operational and training deployments. Off-installation operational deployments include cases of hostilities, contingency operations in hazardous areas, and when United States forces are operating as part of a multi-national force not under full control of the United States. Such excepted operations and deployments shall be conducted in accordance with applicable international agreements, other DoD Directives and Instructions and environmental annexes incorporated into operation plans or operation orders. However, it does apply to support functions for U.S. military vessels and U.S. military aircraft provided by the DoD Components, including management or disposal of off-loaded waste or material.

2.1.5. Does not apply to facilities and activities associated with the Naval Nuclear Propulsion Program, which are covered under E.O. 12344 (reference (d)) and conducted under 42 U.S.C. 7158 (reference (e)).

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2.1.6. Does not apply to the determination or conduct of remediation to correct environmental problems caused by the Department of Defense's past activities.

2.1.7. Does not apply to environmental analyses conducted under E.O. 12114 (reference (f)).

2.2. Nothing in this Instruction shall create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

3. DEFINITIONS. Terms used in this Instruction are defined in enclosure 2.

4. POLICY. It is DoD policy under reference (b) that:

4.1. The Department of Defense shall establish, maintain, and, as described in subsection 6.3., below, comply with Final Governing Standards (FGS) to protect human health and the environment for each foreign country where the Department of Defense maintains substantial installations. Using the procedures described in section 6., below, the FGS will reconcile the requirements of applicable international agreements, applicable host-nation environmental standards under E.O. 12088 (reference (g)), and the Overseas Environmental Baseline Guidance Document (OEBGD).

4.2. The DoD Components shall not dispose of wastes overseas that are generated by overseas DoD actions and that are considered hazardous under either U.S. law or host-nation standards without concurrence, as set out in subsection 6.4., below, of the nation where the disposal takes place.

4.3. Pollution prevention shall be the preferred means for attaining compliance, where economically advantageous and consistent with mission requirements.

4.4. The DoD Components shall use cooperative solutions for environmental facilities or services (e.g., waste storage and disposal facilities, solid waste collection and disposal services, water or wastewater treatment works), where economically advantageous and consistent with mission requirements, to include the use of acquisition authority and

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cross-servicing agreements negotiated under DoD Directive 2010.9 (reference (h)).

4.5. The DoD Components should use commercially proven solutions, where possible, to achieve, maintain, and monitor compliance.

4.6. The DoD Components shall establish and conduct a program for regular assessment of environmental compliance at installations overseas.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Acquisition and Technology, in coordination with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Policy, shall have authority and responsibility for DoD environmental policy for overseas installations and shall coordinate DoD environmental policy for overseas installations with the other DoD Components, the Department of State, and other Federal Agencies, as appropriate.

5.2. The Deputy Under Secretary of Defense for Environmental Security shall implement this Instruction on behalf of the Under Secretary of Defense for Acquisition and Technology and shall:

5.2.1. Designate DoD Environmental Executive Agents as set out in subsection 6.1., below.

5.2.2. Resolve issues raised by environmental policy principals of the DoD Components under subsection 6.9., below.

5.2.3. Provide policy and guidance, oversight, advocacy, and representation for environmental security compliance programs.

5.2.4. Monitor compliance with this Instruction, including development of appropriate Measures of Merit and periodic review of the compliance programs of the DoD Components.

5.3. The Heads of the DoD Components shall:

5.3.1. Ensure actions at installations in foreign countries, including administration and support under 10 U.S.C. 165 (reference (i)) of forces assigned to the Unified Combatant

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Commanders, as well as planning, budgeting, programming, and execution, comply with the applicable standards described in subsections 4.4. and 4.5., above.

5.3.2. Carry out the responsibilities of Executive Agents for particular nations when designated by the Department of Defense or delegate such authority as provided in paragraph 5.3.5., below, including the following:

5.3.2.1. Plan, budget, and program for preparation and maintenance of the FGS.

5.3.2.2. Identify applicable host-nation environmental standards, monitor regulatory trends, and maintain copies of applicable host-nation environmental documents, standards, and regulations.

5.3.2.3. Consult with host-nation authorities on environmental issues, as required, to maintain effective cooperation on environmental matters.

5.3.2.4. Consult with the Chief of the U. S. Diplomatic Mission in the host nation, the affected Military Service through the chain of command, and the geographic Unified Combatant Command on significant issues arising from DoD environmental policy in that country.

5.3.2.5. Prepare and maintain the FGS for the designated host nation, technical, legal and programmatic support to the process.

5.3.2.6. Resolve requests for waivers from the DoD Components under subsection 6.4., below.

5.3.2.7. Keep DoD Components informed of current environmental developments and trends.

5.3.3. Provide technical, legal and programmatic support to the process for maintenance of the OEEGD.

5.3.4. Establish and implement an environmental compliance assessment program for overseas installations that will include internal and external environmental assessments. Conduct internal self-assessments at least annually. Conduct external compliance self-assessments at least once every three years at all major installations.

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5.3.5. Designate Component Commanders or other officials who are authorized to apply for waivers under subsection 6.6., below, or to initiate appeals under subsection 6.9., below.

5.3.6. Promptly notify the Deputy Under Secretary of Defense for Environmental Security (DUSD(ES)) and all affected elements of command of significant environmental events.

5.3.7. Coordinate with, cooperate with, and provide timely notice to each other regarding environmental items of common interest affecting overseas installations.

5.4. The Secretary of the Air Force shall have lead responsibility for maintaining the OEBGD, including printing and distribution of any revisions.

5.5. The Commanders of the Unified Combatant Commands shall:

5.5.1. Coordinate and approve implementation of this Instruction by the DoD Environmental Executive Agents in their geographic areas of responsibility, as necessary, to carry out their mission.

5.5.2. Resolve disputes between the DoD Components and the Executive Agent as provided in subsection 6.9., below.

6. PROCEDURES

6.1. Designation of DoD Environmental Executive Agents

6.1.1. The DUSD(ES) shall designate a DoD Component as the DoD Environmental Executive Agent for environmental matters in foreign countries where DoD installations are located and where the DUSD(ES) determines that the level of DoD presence justifies establishment of FGS. Current designations are listed in enclosure 3.

6.1.2. Military Departments, the Unified Combatant Commander or an appropriate component or subunified commander may be designated as DoD Environmental Executive Agent. When a Military Department is designated as Executive Agent, the Department should delegate authority via the chain of command to an appropriate general or flag-level commander.

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6.1.3. Each Unified Combatant Commander with a geographic area of responsibility encompassing foreign countries may recommend changes adding, substituting or eliminating DoD Environmental Executive Agents. Such recommendations shall be submitted to the Chairman of the Joint Chiefs of Staff for coordination with the Military Departments prior to submittal to DUSD(ES).

6.1.4. The DUSD(ES) shall coordinate with the Chairman of the Joint Chiefs of Staff and any affected DoD Components before adding, substituting, or eliminating DoD Environmental Executive Agents.

6.2. Maintenance of the Overseas Environmental Baseline Guidance Document

6.2.1. The Department of Defense shall establish, maintain, and, as described in subsection 6.3.8., below, comply with the OEBGD. The OEBGD shall be designed to protect human health and the environment; shall consider generally accepted environmental standards applicable to DoD installations, facilities, and actions in the United States; and shall incorporate requirements of U.S. law that have extraterritorial application to the Department of Defense.

6.2.2. The OEBGD shall be reviewed as needed, but at least biennially, to ensure that it protects human health and the environment, and reflects consideration of current, generally accepted environmental standards applicable to similar DoD installations and actions in the United States, and incorporates requirements of U.S. law that have extraterritorial application.

6.2.3. The Department of the Air Force shall conduct the OEBGD review process, chairing a multidisciplinary committee consisting of, at a minimum, representatives of the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Defense Logistics Agency. Field comments will be solicited during the review process.

6.2.4. Revisions to the OEBGD proposed by the committee shall be forwarded to DUSD(ES) for coordination, final approval, and distribution, in accordance with DoD 5025.1-M (reference (j)), to the DoD Components and DoD Environmental Executive Agents.

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6.3. Development and Maintenance of Final Governing Standards for Overseas Installations

6.3.1. The DoD Components in a foreign nation shall consult with other DoD Components with similar environmental issues and shall coordinate environmental matters with the environmental executive agent designated under this Instruction.

6.3.2. The DoD Environmental Executive Agent shall identify applicable host nation environmental standards. In identifying these standards, the DoD Environmental Executive Agent shall:

6.3.2.1. Identify published host-nation law, including transnational enforceable standards, and applicable international agreements for the protection of human health and the environment within the host nation.

6.3.2.2. Determine the extent to which the host-nation environmental standards are adequately defined and generally in effect and enforced against host-government and private sector activities. Laws of local governmental units are not included unless they implement national laws that delegate authority to, or recognize the authority of, the local governmental unit.

6.3.2.3. Consider whether responsibility for construction, maintenance, and operation of the installation rests with the United States or the host nation.

6.3.3. The DoD Environmental Executive Agent shall determine the Final Governing Standards as follows:

6.3.3.1. The DoD Environmental Executive Agent shall use the OEBGD to establish the FGS unless the OEBGD is inconsistent with applicable host-nation environmental standards or standards under applicable international agreements and these other applicable standards provide more protection to human health and the environment. In case of inconsistency, the DoD Executive Agent shall normally use the more protective standard to establish the FGS unless a specific international agreement with the host nation establishes a different standard applicable to U.S. installations.

6.3.3.2. The DoD Environmental Executive Agent normally should base the comparison of standards on individual standards. Where, however in the judgment of the Executive Agent, a standard cannot be considered individually because it is part of a comprehensive regulatory regime for a particular environmental

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subject, the comparison may be made on a broader scope. In such cases, the Executive Agent may compare the overall regulatory regime for the threat to human health or the environment in the OEBGD with the corresponding regulatory regime of the applicable host nation environmental standards or standards under applicable international agreements. The more protective regime normally shall then be used to establish the FGS.

6.3.3.3. If a particular environmental threat is not addressed by the OEBGD but is addressed by relevant host-nation environmental standards or standards under applicable international agreements, the DoD Environmental Executive Agent shall consider the applicable host-nation environmental standards or standards under applicable international agreements to establish the FGS. Until the DoD Environmental Executive Agent establishes a standard for that threat in the FGS, the host nation or international agreement standard shall apply.

6.3.4. The DoD Environmental Executive Agent shall issue the FGS after consultation with the appropriate in-country or theater representatives of the other DoD Components operating in the country, approval of the Unified Combatant Commander, and notification to the U.S. Diplomatic Mission.

6.3.5. The DoD Components in a foreign nation for which FGS have been established shall comply with the FGS established for that country.

6.3.6. The DoD Environmental Executive Agent shall revalidate and update the FGS on a periodic basis, but at least every two years.

6.3.7. The DoD Environmental Executive Agent shall forward a copy of the new or revised FGS for each country via the Unified Combatant Commander and the Chairman of the Joint Chiefs of Staff to the Military Departments and DUSD(ES) for information.

6.3.8. The DoD Components in a foreign nation for which no FGS have been established shall comply with applicable international agreements, applicable host nation environmental standards under E.O. 12088 (reference (g)), and the OEBGD, and in cases of conflicting requirements, shall comply with the standard that is more protective of human health or the environment. Such DoD Components shall consult with the DoD Environmental Executive Agent (or if no Executive Agent has been designated, with the Unified Combatant Commander) on actions that involve a substantial commitment of funds or that could set a precedent.

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6.3.9. The Reserve component commander, in consultation with the DoD Environmental Executive Agent, shall establish an awareness and training package instructing Reserve component units on Final Governing Standards (FGS) or other standards described in paragraphs 6.3.5. and 6.3.8., above, as appropriate.

6.4. Additional Procedures for Hazardous Wastes. In addition to the FGS or OEBGD (where no FGS have been issued), the following additional procedures shall be followed for the disposal of hazardous waste:

6.4.1. The DoD Components shall not dispose of wastes in a foreign nation that are generated by DoD actions and that are considered hazardous under either U.S. law or applicable host-nation standards, unless the disposal complies with either the OEBGD or FGS (under paragraphs 6.3.5. and 6.3.8., above, as appropriate) and is in accordance with any applicable international agreement. Absent an applicable international agreement that grants disposal authority, explicit or implicit concurrence is required by the appropriate authorities of the nation where the disposal takes place.

6.4.2. When the requirements of paragraph 6.4.1., above, cannot be met, the hazardous waste shall be disposed of in the United States or in another foreign nation where the applicable conditions can be met, unless other disposal arrangements are approved by DUSD(ES).

6.4.3. The determination of whether a DoD-generated hazardous waste may be disposed of in a foreign nation shall be made by the DoD Environmental Executive Agent, in coordination with the applicable Unified Combatant Commander, Director of the Defense Logistics Agency (DLA), the other relevant DoD Components, and the Chief of the U.S. Diplomatic Mission. If there is no DoD Environmental Executive Agent, the determination shall be made by the Director of the DLA in coordination with the other relevant DoD Components, and the Chief of the U.S. Diplomatic Mission.

6.4.4. In addition to compliance with the applicable standards described in paragraphs 6.3.5. and 6.3.8., above, the DoD Components must comply with provisions of the Status of Forces Agreement (SOFA) and other applicable international agreements on the shipping and storage of hazardous wastes.

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6.5. Planning, Programming, Budgeting of Funds and Execution. Planning, programming and budgeting of funds and other resources required for compliance with this Instruction shall be accomplished in accordance with DoD procedures generally applicable to environmental compliance and the following:

6.5.1. For planning, programming, and budgeting, the DoD Components shall treat the applicable set of environmental compliance standards for the host nation under paragraphs 6.3.5. or 6.3.8., above, as validated budgetary requirements and the functional equivalents of generally accepted environmental standards for similar installations, facilities, and operations in the United States. The DoD Components shall plan, program and budget for these requirements over the length of the first Program Objectives Memorandum (POM) cycle following the effective date of this Instruction or, for modifications to the applicable set of environmental compliance standards, the effective date of the modification.

6.5.2. Standards contained in the FGS or OEBGD shall be given the highest priority for funding and execution and shall be funded in the current or the immediately following fiscal year if leaving them unremedied would result in one or more of the following:

6.5.2.1. An imminent and substantial threat to human health;

6.5.2.2. A direct threat to ongoing U.S. operations or U.S. access to an overseas base or installation; or

6.5.2.3. A U.S. default on a standard made directly applicable to U.S. overseas operations in a basing agreement, SOFA or other international agreement.

6.5.2.4. All other requirements should be addressed according to a risk-based prioritization, based on local circumstances and long-term objectives.

6.5.3. This Instruction does not require or authorize the DoD Components to expend funds or use other resources to meet requirements that are the responsibility of host nations, as stipulated in applicable international agreements. Nor, however, does this Instruction restrict the authority of a commander to protect the human health and safety of the command from environmental threats.

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6.6. Waivers. A DoD Component may request a waiver of an otherwise applicable standard under subsections 6.3.5. or 6.3.8., above, only if compliance with the standards at particular installations or facilities would seriously impair their actions, adversely affect relations with the host nation or would require substantial expenditure of funds for physical improvements at an installation that has been identified for closure or at an installation that has been identified for a realignment that would remove the requirement. Waivers may not be granted to standards if noncompliance would constitute a breach of applicable U.S. law with extraterritorial effect or applicable international agreements.

6.6.1. A DoD Component submitting a request for waiver shall:

6.6.1.1. Identify the particular standard for which a waiver is requested;

6.6.1.2. Describe the extent of the relief requested and the period that the waiver will be in effect;

6.6.1.3. Describe the anticipated impact of the waiver, if any, on human health and the environment over the period of the waiver; and,

6.6.1.4. Describe the justification for the waiver and if a complete waiver of the standard is requested, why a partial and/or temporary deviation would not be sufficient.

6.6.2. Upon receipt of a request for waiver, the DoD Environmental Executive Agent shall consult with the relevant DoD Components and the Unified Combatant Command with geographic responsibility. Where the waiver or deviation is from a host-nation standard, the DoD Environmental Executive Agent should normally consult through the appropriate U.S. Diplomatic Mission (or other agencies established by applicable international agreements) with the responsible host-nation authority.

6.6.3. The DoD Environmental Executive Agent may grant or deny the request for waiver in whole, in part or upon conditions. Pending action by the DoD Environmental Executive Agent, the Unified Combatant Commanders may, consistent with applicable international agreements and other law, authorize temporary emergency waivers and deviations in countries in their geographic area when they determine that such a waiver or deviation is

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essential to the accomplishment of an operational mission directed by the National Command Authorities. Such waivers shall be no broader than appropriate to accomplish the mission.

6.6.4. If, as a result of consultation with host-nation authorities by the Executive Agent, it is determined that the waiver or deviation from the applicable host-nation standards should not be approved, the DoD Environmental Executive Agent or the DoD Component requesting the waiver may forward the request along with a complete report to the DUSD(ES), who shall attempt to resolve the issue through consultation with relevant authorities and other Federal Agencies as appropriate.

6.6.5. Where the Military Department or Defense Agency requesting the waiver is also the DoD Environmental Executive Agent, the waiver shall be referred to the Unified Combatant Commander for decision.

6.6.6. A DoD Environmental Executive Agent, Unified Combatant Commander or the DUSD(ES), as appropriate, shall maintain a written record of its decision on each waiver requested.

6.7. Pollution Prevention Guidance. Additional pollution prevention guidance can be found in DoD Instruction 4715.4 (reference (k)).

6.8. Annual Information. The DoD Components shall provide information to DUSD(ES) required and requested to comply with paragraphs 6.3.5. and 6.3.8., above, for each military installation. Under 10 U.S.C. 2706(b), (reference (l)), this information shall be compiled and submitted as part of the Department of Defense's annual report to Congress on environmental quality. The DoD Components should also notify DUSD(ES) of noteworthy environmental achievements such as major environmental initiatives, milestones, and good news stories that show leadership, as appropriate.

6.9. Dispute Resolution. If a DoD Component disagrees with the establishment of one or more FGS by an Executive agent, the failure to fully approve a request for a waiver, or another determination of the DoD Environmental Executive Agent, the DoD Component may seek resolution of the disagreement directly with the applicable Unified Combatant Commander, who shall issue a decision after consultation with the DoD Environmental Executive Agent. If the DoD Component still disagrees with the resolution of the issue, the Component's senior environmental policy

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principal may refer the matter to the DUSD(ES) for final determination after notice to the Chairman of the Joint Chiefs of Staff.

7. INFORMATION REQUIREMENTS

7.1. The annual report to Congress on the Department of Defense's Environmental Quality compliance in subsection 6.8., above, has been assigned Report Control Symbol DD-ANT (A) 1997.

This information is required before the President's Budget submission to Congress under reference (1).

8. EFFECTIVE DATE. This Instruction is effective immediately.

Enclosures - 3

1. References
2. Definitions
3. Designated DoD Environmental Executive Agents

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E1. ENCLOSURE 1

REFERENCES

- (e) Section 7158 of title 42, United States Code
- (f) Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," January 4, 1979
- (g) Executive Order 12088, "Federal Compliance with Pollution Control Standards," October 13, 1979
- (h) DoD Directive 2010.9, "Mutual Logistic Support Between the United States and Governments of Eligible Countries and NATO Subsidiary Bodies," September 30, 1988
- (i) Section 165 of title 10, United States Code
- (j) DoD 5025.1-M, "DoD Directives System Procedures," August 1994, authorized by DoD Directive 5025.1, June 24, 1994
- (k) DoD Instruction 4715.4, "Pollution Prevention," June 18, 1996
- (l) Section 2706(b) of title 10, United States Code
- (m) DoD Directive 5530.3, "International Agreements," June 11, 1987

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E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Final Governing Standards (FGS). A comprehensive set of country-specific substantive provisions, typically technical limitations on effluent, discharges, etc., or a specific management practice.

E2.1.2. Installation. A base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a Military Department that is located outside the United States and outside any territory, commonwealth, or possession of the United States.

E2.1.3. International Agreement. A multilateral or bilateral agreement, such as a base rights or access agreement, a status of forces agreement, including practices and standards established pursuant to such agreement, or any other instrument defined as a binding international agreement under DoD Directive 5530.3 (reference (m)).

E2.1.4. Applicable Host-Nation Environmental Standards. Either those specific management practices to control pollution or those objective, numeric or qualitative pollution control standards that are generally in effect and enforced against host-government and private sector activities. Laws of local governmental units are not included unless they implement national laws that delegate authority to, or recognize the authority of, the local governmental unit. Limitations on discharges, emissions, effluents, and disposal are included, but procedural or administrative requirements, such as permitting, licenses, fees, fines, penalties, or other sanctions, are not.

E2.1.5. Overseas Environmental Baseline Guidance Document (OEBGD). A set of objective criteria and management practices developed by the Department of Defense, pursuant to this Instruction, to protect human health and the environment. The OEBGD also contains procedures for use by the Department of Defense to establish the FGS for a particular geographic area or, as described in subsection 6.3.8., above, to provide standards for environmental compliance where no FGS have been established.

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E3. ENCLOSURE 3

DESIGNATED DOD ENVIRONMENTAL EXECUTIVE AGENTS

COUNTRY	EXECUTIVE AGENT
EUROPEAN COMMAND	
United Kingdom	CINCUSAFE
Germany	CINCUSAREUR
Italy	CINCUSNAVEUR
Spain	CINCUSNAVEUR
Greece	CINCUSNAVEUR
Belgium	CINCUSAREUR
Netherlands	CINCUSAREUR
Turkey	CINCUSAFE
CENTRAL COMMAND	
Azores	USAF Air Combat Command
Ascension Island	USAF Space Command
Antigua	USAF Space Command
Bahamas	CINCLANTFLT
Cuba	CINCLANTFLT
Greenland	USAF Space Command
Iceland	CINCLANTFLT
SOUTHCOM	
Panama and all countries in AOR	CG,USARSO
PACIFIC COMMAND	
Japan	COMUSFORJAPAN
Korea	CINCUSFORKOREA
Diego Garcia	CINCPACFLT

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ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

APPENDIX L

EXCERPT FROM DEPARTMENT OF DEFENSE INSTRUCTION 4715.7
ENVIRONMENTAL RESTORATION PROGRAM

April 22, 1996

USD(A&T)

- References:
- (a) DoD Directive 4715.1, "Environmental Security," February 24, 1996
 - (b) Sections 2701-2708 and 2810 of title 10, United States Code, "Department of Defense Environmental Restoration Program" (Section 211 of Superfund Amendments and Reauthorization Act of 1986 (SARA))
 - (c) Sections 6901-6992k and implementing regulations concerning corrective action of title 42, United States Code, "Resource Conservation and Recovery Act" (RCRA)
 - (d) Sections 9601-9675 of title 42, United States Code, "Comprehensive Environmental Response, Compensation, and Liability Act," as amended (CERCLA or "Superfund")
 - (e) through (z), see enclosure 1

A. PURPOSE. This Instruction:

1. Implements reference (a) with respect to the Defense Environmental Restoration Program (DERP) and the Base Realignment and Closure (BRAC) environmental restoration program consistent with references (b) through (w).

2. Implements and refines policies, assigns responsibilities, and prescribes procedures for the DERP, funded by the environmental restoration accounts; and the BRAC environmental restoration program, funded by the BRAC account.

3. Assigns responsibilities for planning, programming, budgeting, executing, and reporting for the DERP and the BRAC environmental restoration program.

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4. Establishes requirements for evaluating the relative risk posed by a site and for using that information for program planning and execution.

5. Establishes measures of merit for assessing the progress towards established goals and accomplishments of the DERP and the BRAC environmental restoration program.

6. Implements the Fast-Track Cleanup (FTC) Program to expedite restoration and transfer or lease of property at closing and realigning installations.

7. Establishes the Environmental Security Cleanup Committee (ESCC).

8. Designates the Secretary of the Army as the DoD Executive Agent for the Formerly Used Defense Sites (FUDS) Program, and as the lead agency for Defense and State Memorandum of Agreement (DSMOA)/Cooperative Agreements and the Agency for Toxic Substances and Disease Registry (ATSDR) programs.

B. APPLICABILITY AND SCOPE. This Instruction:

1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies with land management responsibilities, and the DoD Field Activities, including any other integral DoD organizational entity or instrumentality established to perform a governmental function (hereafter referred to collectively as "the DoD Components").

2. Applies to facilities or installations within the United States and its territories and possessions that are controlled by the Department of Defense, or under the jurisdiction of the Department of Defense or one of the DoD Components (including installations designated for closure or realignment under BRAC). Restoration activities may be conducted beyond the boundaries of a DoD facility or installation when it has been determined that contamination has migrated from a source within such a facility or installation or when hazardous substances from a DoD facility have come to be placed outside the facility. Contamination on facilities outside the United States and its territories is covered under the Deputy Secretary of Defense Memorandum (reference (x)).

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3. Applies to FUDS that were under the jurisdiction of the Department of Defense at the time of actions that caused the release of hazardous substances or other environmental damage.

4. Applies to other sites for which the Department of Defense may be a potentially responsible party, as defined by the Deputy Under Secretary of Defense (Environmental Security) Memorandum (reference (s)).

5. Does not apply to contractor-owned and contractor-operated facilities that are not on real property controlled by the Department of Defense; contamination caused by non-military civil works activities of the Commander, the U.S. Army Corps of Engineers; and responses to spill incidents associated with current operations, and as specified in reference (s).

C. DEFINITIONS. Terms used in this Instruction are defined in enclosure 2.

D. POLICY. The goal of the DERP and BRAC environmental restoration program is to reduce, in a cost-effective manner, the risks to human health and the environment attributable to contamination resulting from past DoD activities. This goal is accomplished through the following policies:

1. Identify, evaluate, and, where appropriate, remediate contamination resulting from past DoD activities.

2. Ensure immediate action to remove imminent threats to human health and the environment.

3. Comply with statutes, regulations, Executive Orders, and other legal requirements governing cleanup of contamination.

4. Conduct DERP and BRAC environmental restoration program activities to meet program goals as stated in the Defense Planning Guidance (DPG).

5. Develop partnerships regarding restoration activities with the U.S. Environmental Protection Agency (EPA) and appropriate State, local, and territorial regulatory agencies.

6. Promote and support public participation in the DERP and the BRAC environmental restoration program.

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7. Support the development and use of cost-effective innovative technologies and process improvements in the restoration process.

8. Support community reinvestment initiatives at closing and realigning installations through the selection of remedies, where practicable, that are consistent with redevelopment actions.

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Acquisition and Technology shall:

a. Serve as the Decision Authority for the DERP and BRAC environmental restoration program.

b. Issue policy and guidance for the DERP and BRAC environmental restoration program, including establishing program scope, goals, and priorities.

c. Provide oversight of the DERP and BRAC environmental restoration program, including ensuring that program implementation is consistent with guidance and is consistent across DoD Components.

d. Delegate program authority, as appropriate.

2. The Deputy Under Secretary of Defense for Environmental Security, under the Under Secretary of Defense for Acquisition and Technology, shall:

a. Subject to the concurrent authority of the Under Secretary of Defense for Acquisition and Technology (USD(A&T)), exercise all responsibilities and authorities of the Secretary of Defense under 10 U.S.C. 2701-2708 and 2810 (reference (b)) and E.O. 12580 (reference (m)) necessary to execute the DERP and BRAC environmental restoration program.

b. Prepare policy and guidance for the DERP and BRAC environmental restoration program.

c. Conduct analysis and oversight of the DERP and BRAC environmental restoration program.

d. Propose updates to the DPG to the USD(Policy) through the USD(A&T).

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e. Coordinate efforts with the Assistant Secretary of Defense (Economic Security) (ASD(ES)) to prepare policy, guidance, goals, objectives, and funding requirements for the BRAC environmental restoration program.

f. Establish a DoD-wide management information system that is the central source for all site and programmatic information in accordance with DoD Directive 8000.1 (reference (y)). Data in this system shall be consistent with data in the DoD Planning, Programming, and Budgeting System (PPBS). Provide for regularly scheduled data collection, and issue other data calls as required.

g. Establish performance goals and measures to implement the DERP and BRAC environmental restoration program.

h. Conduct in-progress reviews (IPR) of the DERP and BRAC environmental restoration program and report the results to USD(A&T).

i. Provide liaison with other Federal Agencies, States, and territories. Support the Assistant Secretary of Defense (Legislative Affairs) liaison with Congress.

j. Prepare and issue the DERP Annual Report to Congress in accordance with references (b), and (i) through (k).

k. Consolidate, submit, and defend environmental restoration Program Objective Memoranda (POMs) and budgets for the Defense-wide account, which includes non-BRAC funding for the Deputy Under Secretary of Defense (Environmental Security) (DUSD(ES)), the Defense Logistics Agency, the Defense Nuclear Agency, and FUDS.

l. Propose to the Under Secretary of Defense (Comptroller) (USD(C)) and the Director, Program Analysis and Evaluation (PA&E), updates of displays of the annual budget preparation instructions and POM preparation instruction (PPI) that adequately depict program requirements for the DERP and BRAC environmental restoration program.

1. Propose to the Under Secretary of Defense (Comptroller) (USD(C)) and the Director, Program Analysis and Evaluation (PA&E), updates of displays of the annual budget preparation instructions and POM preparation instructions (PPI) that adequately depict program requirements for the DERP and BRAC environmental restoration program.

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m. Review and evaluate DoD Components' POMs, budget submissions, and funding. Make recommendations to the Director, PA&E and the USD(C).

n. Evaluate DoD Components' execution of the DERP and BRAC environmental restoration program based on goals and measures of merit.

o. Establish and direct the ESCC and its operation.

p. Sign DSMOAs with interested States and territories to expedite restoration by securing technical support services at operational installations, closing and realigning installations, and WDS.

q. Establish a Memorandum of Understanding (MOU) with the Agency for Toxic Substances and Disease Registry (ATSDR), in coordination with the DoD Components, to transfer funds in support of public health activities.

r. Enter into other agreements, on behalf of the Department of Defense, regarding environmental restoration.

s. Delegate program authority, as appropriate.

3. The Assistant Secretary of Defense for Economic Security, under the Under Secretary of Defense for Acquisition and Technology, shall coordinate efforts with the DUSD(ES) to establish the goals, objectives, and funding requirements of the BRAC environmental restoration program in accordance with the DPG.

4. The Under Secretary of Defense (Comptroller) shall:

a. Incorporate appropriate changes to the DERP and BRAC environmental restoration program budget preparation formats to ensure that appropriate, meaningful data are collected.

b. Consult with the DUSD(ES) regarding DERP and BRAC environmental restoration program budget submissions.

c. Review and adjust DoD Component DERP and BRAC environmental restoration program budget submissions.

d. Coordinate with the DUSD(ES) to implement financial reports on DERP and BRAC environmental restoration program funding to ensure accurate reporting.

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5. The Under Secretary of Defense (Comptroller) shall ensure that the Director, Program Analysis and Evaluation, shall:

a. Review and analyze DoD Component DERP and BRAC environmental restoration program POM submissions.

b. Coordinate with the DUSD(ES) on DoD Component DERP and BRAC environmental restoration programming, including Program Planning Instruction requirements, POM submissions, and program review decisions.

6. The Secretaries of the Military Departments Directors of the Defense Agencies with land management responsibilities under OSD Principal Staff Assistants and those that report directly to the Secretary or Deputy Secretary of Defense, and to the extent applicable, the Heads of other DoD Components shall:

a. Subject to the concurrent authority of the USD(A&T) and the DUSD(ES), exercise all responsibilities and authorities of the Secretary of Defense under 10 U.S.C. 2701-2708 and 2810 (reference (b)), and E.O. 12580 (reference (m)), necessary to execute the DERP and BRAC environmental restoration program. Those authorities derived from paragraphs 2(j) and 4(e) of reference (m) may be redelegated in writing only to a member of the Senior Executive Service or a General/Flag Officer with principal responsibility for the execution of the DERP; all remaining authorities may be redelegated in writing as appropriate.

b. Establish DERP and BRAC environmental restoration programs with scope, goals, and priorities prescribed by USD(A&T); and implement and execute DoD policies and guidance for these programs.

c. Designate an executive to oversee implementation of DERP and BRAC environmental restoration program policy and guidance within the DoD Component. Authorities and responsibilities for executing the programs in a manner consistent with this guidance may be delegated further within the DoD Component.

d. Plan, program, and budget DERP and BRAC environmental restoration program requirements in a manner consistent with the DPG, budget guidance, and other appropriate instructions. Fund those requirements, and execute the programs in a manner consistent with the DoD fiscal and programmatic guidance.

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e. Collect and maintain data and documentation by site, including program estimates, schedules, and performance measures necessary to plan, program, budget, and track execution of the DERP and BRAC environmental restoration program.

f. Monitor and report on program execution, providing information for each site regarding status, schedule, and cost to the DUSD(ES) by updating regularly the Restoration Management Information System (RMIS), or its successor tracking system.

g. Provide DERP and BRAC environmental restoration program status information during IPRs and other data calls.

h. Negotiate and sign Federal Facility Agreements (FFA) and other types of Federal and State restoration agreements, as appropriate. Agreements shall address the relationships between agencies, reflect budget constraints, and allow for flexibility of schedules.

i. Select preferred alternatives at remedial action sites and sign and execute restoration decision documents.

j. Provide liaison with other Federal and State environmental agencies, as appropriate.

k. Support the DSMOA program by reviewing work plans, documents, and progress reports, and by providing funds.

l. Comply with and support agreements, as appropriate, with other organizations such as ATSDR and EPA.

m. Integrate the relative risk concept into program planning and execution in accordance with the Risk-Based Site Evaluation Primer (reference (u)).

n. Expedite the restoration process. For example, where appropriate, take interim remedial actions and removal actions, and use generic cleanup strategies.

o. Encourage public participation in the DERP and BRAC environmental restoration program.

p. Support and facilitate the development and use of innovative technologies.

q. Participate in the preparation of the DERP Annual Report to Congress.

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6. Address third-party site claims arising from disposal of waste by the DoD Component.

7. The Director Defense Logistics Agency, under the Under Secretary of Defense for Acquisition and Technology, shall address third-party site claims arising from a Defense Reutilization and Marketing Service sale or disposal contract.

8. The Secretary of the Army shall:

a. Act as the DoD Executive Agent for the FUDS program. This includes identifying to the DUSD(ES) funding required, and conducting restoration activities at eligible properties on behalf of the DoD Components, and reporting on program progress. Funds for FUDS will be programmed and budgeted in the Defense-wide environmental restoration account.

b. Act as lead agency for:

(1) DSMOA and Cooperative Agreements programs. This includes negotiating DSMOAs, for DUSD(ES) signature, with interested States and territories to facilitate their participation and technical support in restoration at operational installations, closing and realigning installations, and FUDS. Notify the DoD Components of the costs of each cooperative agreement in a timely manner to enable the DoD Components to plan, program, and budget accordingly. Report on program progress.

(2) Carrying out DoD responsibilities under the MOU with ATSDR. This includes notifying the DoD Components of the costs in a timely manner to enable the them to plan, program, and budget accordingly. Report on program progress.

F. PROCEDURES

1. Conduct DERP activities at operational installations to:

a. Plan, program, and execute activities using the results of relative risk site evaluations in accordance with the Risk-Based Site Evaluation Primer (reference (u)), and other criteria to meet program goals as stated in the DPG.

b. Measure program progress in terms of:

(1) Reduction of relative risk at sites.

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- (2) Progression of sites through the restoration phases.
- (3) Accomplishment of milestones leading to site completion.

2. Conduct BRAC environmental restoration activities at closing and realigning installations to:

a. Plan, program, and execute activities that support property reuse, using the results of relative risk site evaluations in accordance with reference (u), and other criteria to meet program goals as stated in the DPG.

b. Measure program progress in terms of:

- (1) Reduction of relative risk at sites.
- (2) Progression of sites through the restoration phases.
- (3) Accomplishment of milestones leading to site completion.
- (4) Acres of land environmentally suitable for transfer.

3. Conduct the FTC program to expedite restoration and transfer or lease of property at closing and realigning installations. This includes improving the efficiency of the restoration process, partnering with Federal and State regulatory agencies, and working with local communities and other stakeholders.

4. Ensure that actions necessary to protect human health, safety, and the environment are taken before the property is transferred or leased. Environmental response actions found to be necessary subsequent to property transfer at BRAC properties shall normally be addressed by the losing DoD Component.

5. Negotiate and sign FFA and other types of Federal and State restoration agreements, as appropriate. Agreements shall address the relationships between agencies, reflect budget constraints, and allow for flexibility of schedules.

6. Conduct public participation in a manner consistent with the requirements of the Comprehensive Environmental Response,

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Compensation, and Liability Act (CERCLA), the National Contingency Plan, and other applicable laws and regulations by ensuring timely public access to information, opportunity for public comment on proposed activities, and consideration of public comments in the decision-making process. Establish Technical Review Committees (TRC) or Restoration Advisory Boards (RAB) that include representatives of the community, in accordance with the Deputy Under Secretary of Defense (Environmental Security) Memorandum (reference (s)).

7. Develop management plans for each installation that identify all sites, planned activities, schedules, and costs.

G. INFORMATION REQUIREMENTS

1. The information requirement at E.2.f. has been assigned Report Control Symbol (RCS) DD-A&T(A& AR)1995 in accordance with DoD 8910.1-M (reference (z)).

2. The DoD Components will present program status information at regular IPRs. Other information will be provided as necessary.

H. EFFECTIVE DATE. This Instruction is effective immediately.

Paul G. Kaminski
Under Secretary of Defense
(Acquisition and Technology)

Enclosures - 2

1. References
2. Definitions

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Enclosure 1

REFERENCES

- (e) Section 2687 of title 10, United States Code, note, (Title II of Public Law 100-526), "Defense Authorization Amendments and Base Closure and Realignment Act of 1988," October 24, 1988
- (f) Section 2687 of title 10, United States Code, note, (Title XXIX of Public Law 101-510), "Defense Base Closure and Realignment Act of 1990," November 5, 1990
- (g) Sections 331-336 of Public Law 102-190, "National Defense Authorization Act for Fiscal Years 1992 and 1993," December 5, 1991
- (h) Sections 321-332 of Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," October 23, 1992
- (i) Sections 1001-1005 of Public Law 103-160, "National Defense Authorization Act for Fiscal Year 1994," November 30, 1993
- (j) Sections 321-329 of Public Law 103-421, "National Defense Authorization Act for Fiscal Year 1995," October 5, 1994
- (k) Sections 321-325 of Public Law 104-106, "National Defense Authorization Act for Fiscal Year 1996," January 22, 1996
- (l) Title 40, Code of Federal Regulations, Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan," current edition
- (m) Executive Order 12580, "Superfund Implementation," January 23, 1987
- (n) Executive Order 12088, "Federal Compliance with Pollution Controls Standards," October 13, 1978
- (o) Executive Memorandum, "Five-Part Plan for Revitalizing Base Closure Communities," President William Clinton, July 2, 1993
- (p) Deputy Secretary of Defense Memorandum, "Fast-Track Cleanup at Closing Installations," September 9, 1993, or current edition
- (q) DoD Directive 5134. 1, "Under Secretary Of Defense of Acquisition and Technology (USD (A&T))," June 8, 1994
- (r) DoD 7000. 14-R, Department of Defense Financial Management Regulations, Volume 2, "Budget Formulation and Presentation," May 1994
- (s) Deputy Under Secretary of Defense (Environmental Security) Memorandum, "Program Management Guidance for Execution of the FY94/95 and the Development of the FY96 Defense Environmental Restoration Program," April 14, 1994

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- (t) Federal Register, Volume 57, pages 28835-28841, "Defense Environmental Restoration Program, Notice of Fund Availability and Application Instructions for Defense and State Memoranda of Agreement," June 29, 1992
- (u) Office of the Deputy Under Secretary of Defense (Environmental Security), "Risk-Based Site Evaluation Primer," Summer 1994, or current edition
- (v) Deputy Under Secretary of Defense (Environmental Security) Memorandum, "Environmental Security Program Measures of Merit," May 16, 1995
- (w) Joint Department of Defense and U. S. Environmental Protection Agency Guidance, "Restoration Advisory Board (RAB) Implementation Guidelines," September 27, 1994
- (x) Deputy Secretary of Defense Memorandum, "Environmental Remediation Policy for DoD Activities Overseas," October 18, 1995
- (y) DoD Directive 8000.1, "Defense Information Management (IM) Program," October 27, 1992
- (z) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," November 28, 1986

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Enclosure 2

DEFINITIONS

1. Agency for Toxic Substance and Disease Registry (ATSDR). A branch of the U.S. Public Health Service that performs public health assessments at DoD National Priorities List installations in accordance with the agency's authority and responsibility under CERCLA.

2. Base Realignment and Closure (BRAC) Environmental Restoration Program. Environmental restoration activities at closing and realigning installations affected by 10 U.S.C. 2687, note (references (e) and (f)), and funded by the DoD Component BRAC accounts. This program is analogous to the DERP and funds the same activities that are eligible under the DERP. It does not include Building Demolition/Debris Removal or Ordnance and Explosive Waste activities. Closure-related environmental compliance requirements are not included in this program.

3. Contamination. The existence of biological, chemical, low-level radiological, or other substances including petroleum, oil, and lubricants that may present a hazard to human health or that may render some portion of the environment unsuitable for use.

4. Decision Authority. The highest level decision-maker for the DERP and BRAC environmental restoration program.

5. Defense and State Memorandum of Agreement (DSMOA). Agreement between the Department of Defense and a State or territory whereby the State or territory can be compensated for providing technical support of environmental restoration activities at operational installations, closing and realigning installations, and FUDS.

6. Defense Environmental Restoration Program (DERP). Program established by Congress in 1986 under Section 211 of SARA (10 U.S.C. 2701-2707 and 2810) (reference (b)) to provide funding for cleanup of contaminated DoD sites in a manner consistent with the requirements of CERCLA (reference (d)).

7. Environmental Restoration. Studies, cleanup, and other actions taken to address contamination from past DoD activities to protect human health and the environment.

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8. Environmental Restoration Accounts. Accounts established by each Military Department and the Defense-wide account (DUSD(ES), DLA, DNA and FUDS), used to fund environmental restoration activities at operational installations and formerly owned or used properties.

9. Environmental Security Cleanup Committee (ESCC). A committee under the Environmental Security Council, comprised of senior representatives of OSD and the DoD Components. The Committee is chaired by the Assistant Deputy Under Secretary of Defense (Environmental Security)/Cleanup and meets regularly to identify and resolve programmatic issues.

10. Environmental Security Program. The program that institutionalizes DoD environmental, safety, and occupational health awareness, making it an integral part of DoD daily activities. The DUSD(ES) is responsible for activities related to restoration, compliance, conservation, pollution prevention, safety, occupational health, fire and emergency services, pest management, explosives safety, environmental security technology, and international programs.

11. Executive Agent. The agency directly responsible for program implementation.

12. Fast-Track Cleanup (FTC). The program established under the President's five point reinvestment plan (reference (c)) to expedite the restoration and transfer of property at closing and realigning installations.

13. Federal Facilities Agreement (FFA). The agreement between regulators and the Department of Defense for the accomplishment of all necessary remedial actions. Agreements signed in accordance with CERCLA section 120 are Interagency Agreements.

14. Formerly Used Defense Sites (FUDS). Real property that formerly was used by, leased to, or otherwise was under the operational control of the Department of Defense. The restoration program at FUDS properties is similar to that at DoD installations. However, information concerning the origin of contamination, land transfer, and current ownership must be evaluated to determine whether a site is eligible for DoD funding. Sites that were transferred under the BRAC program shall not normally be considered FUDS.

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15. Generic Cleanup Strategy. A strategy that has been implemented successfully and can be used to expedite the cleanup process at sites having similar characteristics.

16. Innovative Technology. Newly developed technologies, or adaptations of existing technologies, that are not normally considered certified or proven for use in site remediation.

17. Lead Agency. The agency that coordinates activities for the Department of Defense.

18. Management Plan. A plan that identifies each contaminated site on an installation, planned restoration activities, a schedule for accomplishing these activities, and costs. At closing and realigning installations, this is known as a BRAC Cleanup Plan.

19. Measure of Merit. An indicator of progress toward established goals. These measures are established by the DUSD(ES) to evaluate the status and progress of programs.

20. Relative Risk. The evaluation of individual sites to determine high, medium, or low relative risk to human health and the environment, based on contaminant hazards, migration pathways and receptors, in accordance with DoD's Risk-Based Site Evaluation Primer (reference (u)). The movement of any site from a higher to lower relative risk category as a result of natural attenuation, interim remedial, remedial, or removal actions taken is called risk reduction.

21. Restoration Advisory Board (RAB). A group of stakeholders, including representatives from the installation, the affected community, Federal and State regulatory agencies, the local government and/or redevelopment authority, and others. The RAB provides a forum for the discussion and exchange of information regarding restoration activities.

22. Restoration Management Information System (RMIS). A computerized database used by the OSD and the DoD Components to track the status of sites in the DERP and BRAC environmental restoration program. RMIS is the central source of all site and programmatic information.

23. Site. Area containing one or more releases or threatened releases of hazardous substances that, for response purposes, is treated as a discrete entity, including any building, impoundment, landfill, storage container, or other site or area

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where a hazardous substance has or had come to be located and including formerly used defense sites.

24. Technical Review Committee (TRC). A committee, established in accordance with 10 U.S.C. 2705 (reference (b)) composed of representatives of the Department of Defense, regulatory agencies, and the affected community. The TRC is a mechanism for exchanging information about restoration activities at an installation.

25. Third-Party Site. A site where the Department of Defense has no current or past ownership interest and where the Department of Defense has a responsibility for cleanup under CERCLA (reference (d)).

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APPENDIX M

EXCERPT FROM DEPARTMENT OF DEFENSE INSTRUCTION 4715.8
ENVIRONMENTAL REMEDIATION FOR DOD ACTIVITIES OVERSEAS

NUMBER 4715.8

February 2, 1998

USD(A&T)

SUBJECT: Environmental Remediation for DoD Activities
Overseas

- References: (a) Deputy Secretary of Defense Memorandum,
"Environmental Remediation Policy for DoD
Activities Overseas," October 18, 1995
(b) DoD Instruction 4715.5, "Management of
Environmental Compliance at Overseas
Installations," April 22, 1996
(c) DoD Directive 5530.3, "International
Agreements," June 11, 1987

1. PURPOSE. This Instruction:

1.1. Implements policy, assigns responsibilities and prescribes procedures under reference (a) for remediation of environmental contamination on DoD installations or facilities or caused by DoD operations outside the United States.

1.2. Is for the internal management of the Department of Defense and does not create any independent right enforceable against the Department of Defense, the United States, or their officers, agents, or employees.

1.3. Supersedes previous guidance that is inconsistent with its provisions.

1.4. Does not supersede or amend any existing agreement respecting remediation of DoD environmental contamination outside the United States.

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2. APPLICABILITY AND SCOPE.

2.1. This Instruction applies to:

2.1.1. The Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities, including any other integral DoD organizational entity or instrumentality established to perform a government function (hereafter referred to collectively as "the DoD Components").

2.1.2. Remediation of environmental contamination on DoD facilities or installations outside the United States, including DoD activities on host-nation installations or facilities.

2.1.3. Remediation of environmental contamination caused by current DoD operations, including training, that occur off a DoD installation or facility outside the United States. Such operations do not include operations connected with actual or threatened hostilities, security assistance programs, peacekeeping missions, or relief operations. Such operations also do not include logistics, maintenance, or administrative support functions provided by a contractor off base.

2.2. This Instruction does not apply to:

2.2.1. Actions to remedy environmental contamination that are covered by requirements in environmental annexes to operation orders and similar operational directives, or to requirements issued under DoD Instruction 4715.5 (reference (b)), either in country-specific Final Governing Standards or, where no Final Governing Standards have been issued, in the Overseas Environmental Baseline Guidance Document.

2.2.2. The civil works function of the Department of the Army.

2.3. For purposes of this Instruction, "United States" means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of Northern Marianas, any other territory or possession over which the United States has jurisdiction, and associated navigable waters, contiguous zones,

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and ocean waters of which the natural resources are under the exclusive management authority of the United States.

3. POLICY

The DoD Components shall, in accordance with the specific limitations contained in Sections 5 and 6 of this Instruction, remedy known environmental contamination caused by DoD operations outside the United States.

4. RESPONSIBILITIES

4.1. The Deputy Under Secretary of Defense for Environmental Security, under the Under Secretary of Defense for Acquisition and Technology, shall:

4.1.1. Provide guidance on policy for remediation of overseas environmental contamination.

4.1.2. Resolve a DoD Component's objections to a Combatant Commander's resolution of a dispute between the DoD Component and the Executive Agent if such objection is properly referred to the Deputy Undersecretary of Defense for Environmental Security.

4.2. The Heads of the DoD Components shall:

4.2.1. Remedy known environmental contamination to the extent required by this Instruction and the country-specific policy established by Environmental Executive Agents as set out in paragraph 4.2.3.1., below.

4.2.2. Resolve site-specific issues such as approving strategies for remediation and determining how best to use DoD Component resources.

4.2.3. Carry out or delegate the responsibilities of Environmental Executive Agents for particular nations when designated by the Department of Defense under DoD Instruction 4715.5 (reference (b)), including the following:

4.2.3.1. Establish country-specific remediation policy to ensure consistent remediation of DoD-contaminated sites in the host nation. Consistent with this Instruction and subject to the specific limitations contained in Sections 5 and 6, below, the country-specific policy shall:

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4.2.3.1.1. Define, or provide procedures to define, the appropriate level of remediation at contaminated sites;

4.2.3.1.2. Provide procedures for negotiating the scope of any required remedial measures with the host nation that are consistent with the policy and procedures for negotiating and concluding international agreements in DoD Directive 5530.3 (reference (c)); and

4.2.3.1.3. Provide procedures for furnishing documentation to the host government.

4.2.3.2. Negotiate, or coordinate and approve the negotiations of the DoD Components, with host nations on implementation of this Instruction, and regularly inform the cognizant Combatant Commander of such negotiations.

4.2.3.3. Consult with one another to ensure in-theater consistency in implementing this Instruction.

4.3. The Commanders of the Combatant Commands shall:

4.3.1. Coordinate and approve implementation of the overall policy within their geographic areas of responsibility, as necessary, to carry out their mission.

4.3.2. Resolve disputes between a DoD Component and the Environmental Executive Agent on country-specific policy.

5. PROCEDURES. Subject to the availability of funds and the other provisions of this Instruction, the following requirements apply to remediation of environmental contamination overseas:

5.1. DoD Installations or Facilities That Are Open and Have Not Been Designated for Return

5.1.1. The DoD Components shall take prompt action to remedy known imminent and substantial endangerments to human health and safety due to environmental contamination that was caused by DoD operations and that is located on or is emanating from a DoD installation or facility.

5.1.2. After consultation with the DoD Environmental Executive Agent, if any, the in-theater commander of the DoD Component may approve additional remediation of environmental contamination if the commander determines the additional remedial

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measures are required to maintain operations or protect human health and safety.

5.1.3. International agreements may also require the United States to fund environmental remediation.

5.1.3.1. Such remediation may be more extensive than that necessary to remedy known imminent and substantial endangerments to human health and safety.

5.1.3.2. Before a DoD Component begins remediation under such an agreement, it shall consult with the DoD Environmental Executive Agent, if any, and shall obtain a legal determination that the requirement for environmental remediation is mandatory and arises from a binding international agreement that pertains to U.S. military operating rights in the host country.

5.1.4. Remediation beyond that specified in paragraphs 5.1.1. through 5.1.3., above, may be undertaken by the host nation using its own resources during U.S. occupancy of the installation or facility. The DoD Components shall encourage such remediation and cooperate with host-nation efforts by providing the information specified in section 6., below, and appropriate access to contaminated sites, subject to operational and security requirements.

5.2. DoD Installations or Facilities That Have Been Designated for Return or That Are Already Returned

5.2.1. The DoD Components shall take prompt action to remedy known imminent and substantial endangerments to human health and safety that are due to environmental contamination that was caused by DoD operations and that is located on or is emanating from a DoD installation or facility designated for return to the host nation.

5.2.1.1. Such remediation may be completed after return of the installation or facility to the host nation, but shall be limited to the essential elements in a remediation plan approved by the DoD Component before return. If remediation will continue after return, to ensure consistency among DoD Components before finally approving a remediation plan, the appropriate DoD Component shall consult with the DoD Environmental Executive Agent, if any.

5.2.1.2. The remediation plan is developed for a particular installation by application of this Instruction and

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country-specific policy to the particular circumstances of the installation, and shall include, but is not limited to sites to be remedied, a real and vertical extent of the contamination, contaminants to be addressed, and cleanup levels.

5.2.2. After consultation with the DoD Environmental Executive Agent, if any, the in-theater commander of the DoD Component may approve additional remediation of environmental contamination on installations or facilities that have been designated for return if the commander determines, in light of the projected return date, that the additional remedial measures are required to maintain operations or protect human health and safety.

5.2.3. International agreements may also require the United States to fund environmental remediation.

5.2.3.1. Such remediation may be more extensive than that necessary to remedy known imminent and substantial endangerments to human health and safety.

5.2.3.2. Before a DoD Component begins remediation under such an agreement, it shall consult with the DoD Environmental Executive Agent, if any, and shall obtain a legal determination that the requirement for environmental remediation is mandatory and arises from a binding international agreement that pertains to U.S. military operating rights in the host country.

5.2.3.3. After return of an installation or facility, the Department of Defense shall not fund any environmental remediation in excess of that required by binding international agreement or that which is pursuant to an approved remediation plan under paragraph 5.2.1., above.

5.2.4. Remediation beyond that specified in paragraphs 5.2.1. through 5.2.3., above, may be undertaken by the host nation using its own resources during U.S. occupancy of the installation or facility. The DoD Components shall encourage such remediation and cooperate with host-nation efforts by providing the information specified in section 6., below, and appropriate access to contaminated sites, subject to operational and security requirements.

5.3. Environmental Contamination Off a DoD Installation or Facility

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5.3.1. The DoD Components shall take prompt action to remedy known imminent and substantial endangerments to human health and safety due to environmental contamination caused by current DoD operations at locations within the territory of a nation other than the United States and that is not located on or emanating from a DoD installation or facility.

5.3.2. After consultation with the DoD Environmental Executive Agent, if any, the in-theater commander of the DoD Component may approve additional remediation of environmental contamination caused by current DoD operations if the commander determines the additional remediation is required to maintain operations.

5.3.3. International agreements may also require the United States to fund environmental remediation.

5.3.3.1. Such remediation may be more extensive than that necessary to remedy known imminent and substantial endangerments to human health and safety.

5.3.3.2. Before a DoD Component begins remediation under such an agreement, it shall consult with the DoD Environmental Executive Agent, if any, and shall obtain a legal determination that the requirement for remediation is mandatory and arises from a binding international agreement that pertains to U.S. military operating rights in the host country.

5.3.4. Remediation beyond that specified in paragraphs 5.3.1. through 5.3.3., above, may be undertaken by the host nation using its own resources. The DoD Components shall encourage such remediation and cooperate with host-nation efforts by providing the information specified in section 6., below, and appropriate access to contaminated sites, subject to operational and security requirements.

5.4. Determination of Known Imminent and Substantial Endangerment and Extent of Remedy

5.4.1. The decision as to whether a contaminated site poses an imminent and substantial endangerment shall be made by the in-theater commander of the DoD Component after consultation with the appropriate DoD medical authority and the DoD Environmental Executive Agent, if any, for the respective host nation.

5.4.2. The authority to make this decision may be delegated by the in-theater commander of the DoD Component to an

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installation or facility commander, as appropriate, but consultation as set out in paragraph 5.4.1., above, is still required.

5.4.3. Projects designed to remedy an imminent and substantial endangerment are considered complete when the contamination no longer poses an imminent and substantial endangerment to human health, environment, and safety. Commanders have the discretion to make risk-based decisions on how to carry out the remediation, ranging from institutional responses, such as restricting access, to more permanent remedies.

5.5. Residual Value Adjustment for Host-Nation Contributions. Consistent with the provisions of applicable international agreements, actual or anticipated environmental remediation costs incurred by the host nation for DoD-caused contamination on or emanating from DoD installations or facilities or caused by current DoD operations may be considered as an offset against the residual value of DoD capital improvements.

5.6. Host-Nation Contribution. To the extent consistent with applicable international agreements, the responsible official under section 4., above, shall seek host-nation or third country contribution, including assistance in kind, for remediation funded by the United States.

5.7. Negotiations with Host Nation. Negotiations with the host nation, whether by the DoD Environmental Executive Agent or DoD Component, shall be conducted in accordance with this Instruction; DoD Directive 5530.3 (reference (c)), and other applicable Directives.

6. INFORMATION REQUIREMENTS

6.1. The DoD Components may develop information, and shall maintain existing information, about environmental contamination at DoD locations for five years after the location is returned to the host nation and all claims or other issues about contamination are finally resolved.

6.2. Information on contamination not located on or emanating from a DoD installation or facility that was caused by DoD operations shall be collected and maintained for five years after issues about the contamination are finally resolved with the host nation.

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6.3. Subject to security requirements, this information shall be provided, through the DoD Environmental Executive Agent and the Embassy, where required, to host-nation authorities upon request.

7. EFFECTIVE DATE. This Instruction is effective immediately.

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APPENDIX N

EXCERPT FROM DEPARTMENT OF DEFENSE INSTRUCTION 4715.9
ENVIRONMENTAL PLANNING AND ANALYSIS

NUMBER 4715.9

May 3, 1996

USD(A&T)

SUBJECT: Environmental Planning and Analysis

References: (a) DoD Directive 4715.1, "Environmental Security,"
February 24, 1996
(b) DoD Instruction 4715.6, "Environmental
Compliance," April 24, 1996
(c) DoD Instruction 4715.4, "Pollution Prevention,"
June 18, 1996
(d) DoD Instruction 4715.3, "Environmental
Conservation Program," May 3, 1996
(e) through (k), see enclosure 1

1. PURPOSE. This Instruction:

1.1. Implements policy and assigns responsibilities for integration of environmental considerations into DoD activity and operational planning.

1.2. Assigns responsibilities and prescribes procedures for implementing reference (a) in accordance with references (b) through (f).

2. APPLICABILITY AND SCOPE. This Instruction:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating under the Department of the Navy), the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands (as appropriate), the Office of Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities, including any other integral DoD organizational entity or instrumentality established to perform a governmental function) (hereafter referred to collectively as "the DoD Components").

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The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

2.2. Does not apply to the civil works function of the Department of the Army.

2.3. Supplements the requirements of the National Environmental Policy Act (NEPA) (reference (g)) and the Council On Environmental Quality (CEQ) regulations under 40 CFR 1500-1508 (reference (h)). Policies specific to reference (g) are included in enclosure 2.

2.4. Requires the DoD Components to implement policy and prescribe procedures specific to their activities and operations to comply with this Instruction.

2.5. Is limited to DoD activities and operations that may have environmental effects within the United States.

3. DEFINITIONS

3.1. Domestic Maritime Boundary of the United States. The seaward limits of the geographic area within a distance of 3 nautical miles seaward of the baseline for all states, territories, and possessions, except the Gulf Coast of Florida and Texas, where it means a distance of 3 marine leagues (9 nautical miles) seaward of the baseline.

3.2. Environmental Partnering. Joint and systematic efforts of the DoD Components to formally engage other governmental agencies (Federal, State, local), non-profit groups, and private contractors and other parties, as appropriate, to implement specific programs and projects dealing with restoration, conservation, compliance, or pollution-prevention activities.

3.3. Environmental Planning. The process of identifying and considering environmental factors that impact on, or are impacted by, planned DoD activities and operations.

3.4. Proponent. The organization that exercises primary management responsibility for a proposed action or activity.

3.5. United States. All States, territories, and possessions of the United States and all waters and airspace within the domestic maritime boundary of the United States.

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4. POLICY. It is DoD policy to:

4.1. Integrate environmental considerations into DoD plans for defense activities and operations. DoD activity and operational planning should fully consider the environmental consequences of proposed actions in conjunction with national security requirements and other considerations of national policy.

4.2. Prepare necessary documentation required under references (g) and (h) whenever a proponent develops a proposal for an action that has the potential for significant environmental impacts and the Component is actively preparing to make a decision on one or more alternative means of accomplishing that proposal.

4.3. Integrate environmental considerations into installation master planning and operational planning.

4.4. Integrate environmental considerations into acquisition programs in accordance with DoD 5000.2-R (reference (e)) and DoD Directive 5000.1 (reference (f)).

4.5. Require the proponent of an action to program for funding of the costs of any environmental planning and analysis necessitated by the action.

5. RESPONSIBILITIES

5.1. The Deputy Under Secretary of Defense for Environmental Security, under the Under Secretary of Defense for Acquisition and Technology shall:

5.1.1. Provide policy and oversight for integration of environmental considerations into DoD activity planning and, as appropriate, operational planning.

5.1.2. In consultation with appropriate Assistant Secretaries of Defense and other applicable DoD Components, resolve disagreements over departmental policy about environmental planning issues when agreement among the DoD Components cannot be reached.

5.1.3. Support DoD budget requests to manage and implement this Instruction.

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5.1.4. Be the principal point of contact for the Department of Defense on environmental issues brought before the CEQ, the Office of Management and Budget, the Advisory Council on Historic Preservation, Headquarters U.S. Environmental Protection Agency, the Federal Aviation Administration, and other Federal Agencies at the Headquarters level on environmental planning issues that have DoD-wide applicability. This provision does not apply to the National Security Council and National Security Council-chartered working groups for which the Chairman of the Joint Chiefs of Staff is the principal point of contact.

5.1.5. Oversee DoD Component implementation of this Instruction.

5.1.6. Establish and maintain a multi-Service manual as an adjunct to this Instruction addressing installation-compatible use zone and noise issues.

5.2. The Heads of the DoD Components shall:

5.2.1. Integrate environmental considerations into planning for all applicable DoD Component-level activities and operations.

5.2.2. Plan, program, and budget for environmental planning and analysis and execute such environmental planning and analysis consistent with DoD guidance and fiscal policies.

5.2.3. Ensure that decisionmakers are cognizant of the potential environmental impacts of their decisions.

5.2.4. Provide policy and procedures for implementing the requirements of this Instruction.

5.2.5. Support outreach processes on environmental planning and analysis.

5.2.6. Coordinate with other DoD Components on environmental issues that affect them.

6. PROCEDURES

6.1. The Deputy Under Secretary of Defense (Environmental Security) shall transmit to Congress environmental impact analyses prepared to support DoD legislative proposals.

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6.2. The Heads of DoD Components shall:

6.2.1. Issue environmental planning policies and procedures to promote the early integration of environmental considerations into activity and operational planning to ensure that:

6.2.1.1. Decisionmakers are informed of the consequences, alternatives, costs, and mitigation factors that must be considered about DoD decisions that have potential significant environmental impacts;

6.2.1.2. Decisionmakers consider, during activity and operational planning, constraints imposed by applicable Federal, State, interstate, and local environmental laws and regulations, and Executive Orders; and,

6.2.1.3. Potential delays and conflicts in mission execution are minimized.

6.2.2. To the extent practicable and appropriate, and subject to the availability of funds, include in any environmental policies and procedures issued under paragraph 6.2.1., above, provisions that encourage installations to engage in advance environmental planning, including development of environmental baseline information to support activity and operational planning. Such information should be included in master plans or such other plans developed for installation-wide activities and operations. This information should be available in a format that provides ready-access to managers and staff responsible for environmental compliance and to decisionmakers who require early information to identify environmental impacts and alternatives.

6.2.3. Adopt, as necessary, procedures to supplement 42 U.S.C. 4321 et seq. (reference (g)) and 40 CFR 1500-1508 (reference (h)).

6.2.4. Develop intergovernmental and other public consultation procedures, as appropriate, with State and local elected officials and governmental bodies, Indian tribes, native Hawaiian organizations, citizen groups, and the general public for proposed activities that have potentially significant impacts on the human environment.

6.2.5. Develop interagency consultation procedures with other Federal Departments and Agencies for proposed actions that are of potential interest to these Agencies. Include

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environmental partnering approaches and processes, as appropriate, with Federal and State agencies under 42 U.S.C. 2701 et seq. (reference (i)).

6.2.6. Develop, implement, and maintain noise and Installation Compatible Use Zone programs that promote compatibility between the activities and operations within the installation, and between the activities and operations of the installation and neighboring civilian communities.

7. EFFECTIVE DATE. This Instruction is effective immediately.

Paul G. Kaminski
Under Secretary of Defense
(Acquisition and Technology)

Enclosures - 2

1. References
2. Policies Specific to Section 4321 et seq. of title 42, United States Code (reference (g)).

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E1. ENCLOSURE 1

REFERENCES

- (e) DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs," March 15, 1996 authorized by DoD Directive 5000.1, March 15, 1996
- (f) DoD Directive 5000.1, "Defense Acquisition," March 15, 1996
- (g) Section 4321 et seq. of title 42, United States Code, "National Environmental Policy Act of 1969" as amended
- (h) Title 40, Code of Federal Regulations, Parts 1500-1508, "Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act"
- (i) Section 2701 et seq. of title 42, United States Code, "Intergovernmental Cooperation Act 1968"
- (j) Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994
- (k) Section 9601 et seq. of title 42, United States Code, "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended

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E2. ENCLOSURE 2

POLICIES SPECIFIC TO SECTION 4321 ET SEQ. OF TITLE 42, UNITED STATES CODE (REFERENCE (G))

E1.1.1. Emergencies. When emergency actions are taken that have potential for significant environmental impacts and that make it necessary to consult with the Council on Environmental Quality, Heads of the DoD Components (or designees) will, as soon as practicable, advise the Office of the Deputy Under Secretary of Defense (Environmental Security). The DoD Component Head (or designee), the DUSD(ES), and General Counsel of the Department of Defense (GC, DoD) will jointly consult with CEQ. Because of the importance of engaging the CEQ, the DoD Component may unilaterally consult with CEQ concerning the emergency action if the DUSD(ES) and the GC, DoD are not available. (40 CFR 1506.11) (reference (h)).

E1.1.2. Environmental Justice. The DoD Component documentation under 42 U.S.C. 4321 et seq. (reference (g)) must contain an analysis of the impacts of the proposed action and alternatives considered, including impacts that may have disproportionately high adverse human health or environmental effects on populations covered by E.O. 12898 (reference (j)).

E1.1.3. Filing of Reference (g) Documentation. The DoD Components shall provide to the DUSD(ES) a copy of notices of intent or similar notice documents issued to announce the preparation of reference (g) documentation. Upon request, copies of any reference (g) documents shall be furnished to the DUSD (ES). The DoD Components shall maintain official record copies of all reference (g) documents prepared by the DoD Component for a time period commensurate with the significance of the proposed action.

E1.1.4. Electronic Filing. The DoD Components shall file, electronically, copies of all draft and final environmental impact statements, and Records of Decision with the Defense Technical Information Center as part of their public distribution procedures. Components may exclude graphics and/or figures from the document filed. This provision does not apply to documentation being prepared under contracts that exist at the time this Instruction becomes effective.

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E1.1.5. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (reference (k)) and National Environmental Policy Act (NEPA) (reference (g)) Relationship. The procedural requirements for preparation of documentation to meet the statutory requirements for remediation and/or restoration projects undertaken under reference (k) are substantially the same as prescribed under reference (g). Consequently, Components are not required to prepare separate reference (g) documents for CERCLA actions.

E1.1.6. Mitigation Measures. The DoD Components shall establish procedures for identifying and tracking mitigation measures committed to in environmental planning documents.

E1.1.7. Self Audit Programs. The DoD Components shall evaluate through self-audit programs whether mitigation measures were implemented.

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APPENDIX C

EXCERPT FROM DEPARTMENT OF DEFENSE DIRECTIVE 5000.1
DEFENSE ACQUISITION

NUMBER 5000.1

March 15, 1996

USD(A&T)

SUBJECT: Defense Acquisition

References: (a) DoD Directive 5000.1, "Defense Acquisition," February 23, 1991 (hereby canceled)
(b) DoD Directive 8120.1, "Life-Cycle Management of Automated Information Systems," January 14, 1993 (hereby canceled)
(c) DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems," 1996
(d) Office of Management and Budget Circular A-109, "Major Systems Acquisitions," April 1976
(e) through (ggg), see enclosures 1 and 2

1. PURPOSE. This Directive:

1.1. States policies and principles for all DoD acquisition programs and identifies the Department's key acquisition officials and forums.

1.2. Replaces DoD Directive 5000.1, "Defense Acquisition," February 23, 1991 (reference (a)) and DoD Directive 8120.1, "Life-Cycle Management of Automated Information Systems," January 14, 1993 (reference (b)).

1.3. Authorizes publication of DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems" (reference (c)).

1.4. In accordance with OMB Circular A-109 (reference (d)), establishes a disciplined yet flexible management approach for acquiring quality products that satisfy the operational user's needs.

1.5. Cancels the documents identified at Enclosure 2.

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These cancellations will be replaced by DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems" (reference (c)).

2. APPLICABILITY AND SCOPE. This Directive applies to all elements of the DoD. This includes the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Defense Agencies, and DoD Field Activities (hereafter referred to collectively as "DoD Components"). This Directive and 5000.2-R (reference (c)) rank first and second in order of precedence for providing mandatory policies and procedures for the management of acquisition programs, except when statutory requirements override. If there is any conflicting guidance pertaining to contracting, the Federal Acquisition Regulation and/or Defense Federal Acquisition Regulation Supplement shall take precedence over this Directive and DoD Regulation 5000.2-R (reference (c)). This Directive describes broad management principles that are applicable to all DoD acquisition programs. Highly sensitive classified programs, cryptologic, and intelligence programs, shall follow the guidance contained in this Directive. DoD 5000.2-R (reference (c)) describes operating procedures that are mandatory only for Major Defense Acquisition Programs (MDAPs), Major Automated Information System (MAIS) acquisition programs, and for other acquisition programs as specifically stated in the Instruction. DoDD 8000.1 (reference (e)) describes management principles that are mandatory for all information management activities, including those related to acquisition of information systems, resources, services, and infrastructures. Providing quality products needed by the United States Armed Forces requires a highly disciplined, yet flexible management framework that effectively translates operational needs into stable, affordable acquisition programs. The policies and principles stated in this Directive are intended to serve as broad guidelines for acquisition personnel throughout the DoD. The accompanying document, DoD 5000.2-R (reference (c)), focuses on MDAPs, MAIS acquisition programs, and other programs as specifically identified, and describes more detailed mandatory procedures necessary for the effective operation of the defense acquisition system.

3. DEFINITIONS

3.1. Acquisition Executive. The individual, within the Department and Components, charged with overall acquisition

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management responsibilities within his or her respective organizations. The Under Secretary of Defense (Acquisition and Technology (A&T)) is the Defense Acquisition Executive (DAE) responsible for all acquisition matters within the Department of Defense. The Component Acquisition Executives (CAEs) for each of the Components are the Secretaries of the Military Departments or Heads of Agencies with power of redelegation. The CAEs, or designees, are responsible for all acquisition matters within their respective Components.

3.2. Acquisition Phase. All the tasks and activities needed to bring a program to the next major milestone occur during an acquisition phase. Phases provide a logical means of progressively translating broadly stated mission needs into well defined system-specific requirements and ultimately into operationally effective, suitable, and survivable systems. An example of an acquisition phase is Program Definition and Risk Reduction.

3.3. Acquisition Program. A directed, funded effort that is designed to provide a new, improved, or continuing weapons system or automated information system (AIS) capability in response to a validated operational need. Acquisition programs are divided into categories, which are established to facilitate decentralized decision-making and execution and compliance with statutory requirements.

3.4. Automated Information System (AIS). A combination of computer hardware and software, data, or telecommunications, that performs functions such as collecting, processing, transmitting, and displaying information. Excluded are computer resources, both hardware and software, that are: physically part of, dedicated to, or essential in real time to the mission performance of weapon systems.

3.5. Major Automated Information System (MAIS) Acquisition Program. An AIS acquisition program that is (1) designated by ASD(C3I) as a MAIS, or (2) estimated to require program costs in any single year in excess of 30 million in fiscal year (FY) 1996 constant dollars, total program costs in excess of 120 million in FY 1996 constant dollars, or total life-cycle costs in excess of 360 million in FY 1996 constant dollars. MAIS Acquisition Programs do not include highly sensitive classified programs (as determined by the Secretary of Defense). For the purpose of determining whether an AIS is a MAIS, the following shall be aggregated and considered a single AIS: (1) the separate AISs that constitute a multi-element program; (2) the separate AISs

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that make up an evolutionary or incrementally developed program; or (3) the separate AIs that make up an a multi-component AIS program.

3.6. Major Defense Acquisition Program (MDAP). An acquisition program that is not a highly sensitive classified program (as determined by the Secretary of Defense) and that is: (1) designated by the USD(A&T) as an MDAP, or (2) estimated by the USD(A&T) to require an eventual total expenditure for research, development, test and evaluation of more than 355 million in FY 1996 constant dollars or, for procurement, of more than 2.135 billion in FY 1996 constant dollars (10 USC Sec. 2430, reference (f)).

3.7. Major Milestones. A major milestone is the decision point that separates the phases of an acquisition program. MDAP milestones include, for example, the decisions to authorize entry into the engineering and manufacturing development phase, or to begin full-rate production. MAIS milestones may include, for example, the decision to begin program definition and risk reduction.

3.8. Milestone Decision Authority (MDA). The individual designated in accordance with criteria established by DoD 5000.2-R (reference (c)) to approve entry of an acquisition program into the next phase.

3.9. OSD Principal Staff Assistants (PSAs). The PSAs represent the user community in the functional area under their direction on acquisition and requirements matters. The OSD PSAs are the Under Secretaries of Defense (USDs), the Director of Defense Research and Engineering (DDR&E), the Assistant Secretaries of Defense (ASDs), the Director, Operational Test and Evaluation (DOT&E), the General Counsel of the Department of Defense (GC, DoD), the Inspector General of the Department of Defense (IG, DoD), the Assistants to the Secretary of Defense (ATSDs), and the OSD Directors or equivalents, who report directly to the Secretary or the Deputy Secretary of Defense.

4. POLICY. The primary objective of the defense acquisition system is to acquire quality products that satisfy the needs of the operational user with measurable improvements to mission accomplishment, in a timely manner, at a fair and reasonable price. Successful acquisition programs are fundamentally dependent upon competent people, rational priorities, and clearly defined responsibilities. The following policies and principles

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govern the operation of the defense acquisition system and are divided into three major categories: (1) Translating Operational Needs into Stable, Affordable Programs, (2) Acquiring Quality Products, and (3) Organizing for Efficiency and Effectiveness. These principles shall guide all defense acquisition programs:

4.1. Translating Operational Needs into Stable, Affordable Programs

4.1.1. Integrated Management Framework. The policies stated herein are intended to forge a close and effective interface among the Department's three principal decision support systems: 1) the Requirements Generation System, 2) the Acquisition Management System, and 3) the Planning, Programming, and Budgeting System. The requirements generation system, governed by CJCS MOP 77 (reference (g)), produces information for decision-makers on projected mission needs for MDAPs and MAISs, with missions requiring interface to the joint warfighter. The DoDD 8000.1 (reference (e)) provides complementary guidance for MAIS functional areas. The acquisition management system, governed by this Directive provides for a streamlined management structure and event-driven management process that emphasizes risk management and affordability and that explicitly links milestone decisions to demonstrated accomplishments. The planning, programming, and budgeting system, governed by DoDD 7045.14 (reference (h)), provides the basis for making informed affordability assessments and resource allocation decisions on defense acquisition programs. All three systems operate continuously and concurrently to assist the Secretary of Defense and other senior officials in making critical decisions. The information derived from these systems permits senior DoD officials to plan for the future, allocate resources to meet the highest national priorities, and execute the current budget. The interaction of these systems enables the United States to acquire the quality products needed by the nation's Armed Forces.

4.1.2. Integrated Product and Process Development (IPPD). PMs and other acquisition managers shall apply the concept of IPPD throughout the acquisition process to the maximum extent practicable. IPPD is a management technique that integrates all acquisition activities starting with requirements definition through production, fielding/deployment and operational support in order to optimize the design, manufacturing, business, and supportability processes. At the core of IPPD implementation are Integrated Product Teams (IPTs).

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4.1.3. Program Stability. Once DoD initiates an acquisition program to meet an operational need, managers at all levels shall make program stability a top priority. To maximize stability, the Components shall develop realistic long-range investment plans and affordability assessments. The Department's leadership shall strive to ensure stable program funding throughout the program's life-cycle.

4.1.4. Risk Assessment and Management. PMs and other acquisition managers shall continually assess program risks. Risks must be well understood, and risk management approaches developed, before decision authorities can authorize a program to proceed into the next phase of the acquisition process. To assess and manage risk, PMs and other acquisition managers shall use a variety of techniques, including technology demonstrations, prototyping, and test and evaluation. Risk management encompasses identification, mitigation, and continuous tracking, and control procedures that feed back through the program assessment process to decision authorities. To ensure an equitable and sensible allocation of risk between government and industry, PMs and other acquisition managers shall develop a contracting approach appropriate to the type of system being acquired.

4.1.5. Total System Approach. Acquisition programs shall be managed to optimize total system performance and minimize the cost of ownership. The total system includes not just the prime mission equipment, but the people who operate and maintain the system; how systems security procedures and practices are implemented; how the system operates in its intended operational environment and how the system will be able to respond to any effects unique to that environment (such as Nuclear, Biological and Chemical (NBC) or information warfare); how the system will be deployed to this environment; the system's compatibility, interoperability, and integration with other systems; the operational and support infrastructure (including Command, Control, Communications, Computers and Intelligence (C4I)); training and training devices; any data required by the system in order for it to operate; and the system's potential impact on the environment and environmental compliance.

4.1.6. Cost as an Independent Variable (CAIV). Fiscal constraint is a reality that all participants in the defense acquisition process must recognize. Cost must be viewed as an independent variable. Accordingly, acquisition managers shall establish aggressive but realistic objectives for all programs and follow through by trading off performance and schedule.

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beginning early in the program (when the majority of costs are determined), to achieve a balanced set of goals, based on guidance from the MDA.

4.1.7. Program Objectives and Thresholds. Beginning at the inception of a new acquisition program, the PM, together with the user, shall propose for MDA approval objectives and thresholds for cost, schedule, and performance, that will result in systems that are affordable, timely, operationally effective, operationally suitable, and survivable. The PM shall refine these objectives and thresholds as the program matures, consistent with operational requirements.

4.1.8. Nontraditional Acquisition. The Department must be prepared to plan and execute a diverse variety of missions. To meet the user's needs in a timely manner, the acquisition system must be able to rapidly insert advanced technology directly into the warfighter's arsenal. Doing so means being able to demonstrate new and improved military capabilities on a scale adequate to establish operational utility and affordable cost. Demonstrations based on mature technologies may lead to more rapid fielding. Where appropriate, managers in the acquisition community shall make use of non-traditional acquisition techniques, such as Advanced Concept Technology Demonstrations (ACTDs), rapid prototyping, evolutionary and incremental acquisition, and flexible technology insertion.

4.1.9. Performance Specification. In solicitations and contracts, standard management approaches or manufacturing processes shall not be required. Performance specifications shall be used when purchasing new systems, major modifications, and commercial and nondevelopmental items. Performance specifications include DoD performance specifications, commercial item descriptions, and performance-based nongovernment standards. If it is not practicable to use a performance specification, a nongovernment standard shall be used. There may be cases when military specifications are needed to define an exact design solution because there is no acceptable nongovernment standard or because the use of a performance specification or nongovernment standard is not cost-effective, not practical, or does not meet the user's needs. In these cases, the use of military specifications and standards is authorized as a last resort, with an appropriate waiver or exception from the MDA.

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4.2. Acquiring Quality Products

4.2.1. Event-Oriented Management. The Department shall use a rigorous, event-oriented management process that emphasizes effective acquisition planning, improved and continuous communications with users, and prudent risk management by both the Government and industry. Event-oriented means that the management process shall be based on significant events in the acquisition life-cycle and not arbitrary calendar dates.

4.2.2. Hierarchy of Materiel Alternatives. In response to operational requirements, priority consideration shall always be given to the most cost-effective solution over the system's life-cycle. Generally, use or modification of systems or equipment that the Department already owns is more cost-effective than acquiring new materiel. If existing U.S. military systems or other on-hand materiel cannot be economically used or modified to meet the operational requirement, an acquisition program may be justified and acquisition decision-makers shall observe the following hierarchy of alternatives: (1) the procurement (including modification) of commercially available systems or equipment, the additional production (including modification) of already-developed U.S. military systems or equipment, or Allied systems or equipment; (2) cooperative development program with one or more Allied nations; (3) new joint Service development program; and (4) a new Service-unique development program. Important in this evaluation process for new or modified systems are considerations for compatibility, interoperability, and integration with existing and future components or systems.

4.2.3. Communications with Users. The defense acquisition community shall maintain continuous and effective communications with the operational user. The objective is to gain a sound understanding of user needs and to work with the user to achieve a proper balance among cost, schedule, and performance considerations.

4.2.4. Competition. Competition provides major incentives to industry to enhance the application of advanced technology and life-cycle cost advantages to defense programs, as well as a mechanism to obtain an advantageous price. DoD Components shall acquire systems, subsystems, equipment, supplies and services in accordance with the statutory requirements for competition (10 USC Sec. 2304, reference (i)).

4.2.5. Test and Evaluation. Test and evaluation programs shall be structured to provide essential information to

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decision-makers, assess attainment of technical performance parameters, and determine whether systems are operationally, effective, suitable, and survivable for intended use. Each Military Department shall establish an independent operational test and evaluation activity, reporting directly to the Service Chief, to plan and conduct operational tests, report results, and provide evaluations of effectiveness and suitability.

4.2.6. Modeling and Simulation. Models and simulations shall be used to reduce the time, resources, and risks of the acquisition process and to increase the quality of the systems being acquired. Representations of proposed systems (virtual prototypes) shall be embedded in realistic, synthetic environments to support the various phases of the acquisition process, from requirements determination and initial concept exploration to the manufacturing and testing of new systems, and related training.

4.2.7. Independent Assessments. Assessments, independent of the developer and the user, are extremely important to ensure an impartial evaluation of program status. Consistent with statutory requirements and good management practice, DoD shall use independent assessments of program status. Senior acquisition officials shall consider these assessments when making decisions. Staff offices that provide independent assessments shall support the orderly progression of programs through the acquisition process. Independent assessments shall be shared with the Integrated Product Team so that there is a full and open discussion of issues with no secrets.

4.2.8. Innovative Practices. The Department encourages PMs to continually search for innovative practices that reduce cycle time, reduce cost, and encourage teamwork.

4.2.9. Continuous Improvement. The Department shall continuously focus on implementing major improvements necessary to streamline the acquisition process, reduce infrastructure, and enhance customer service through process reengineering and technological breakthrough. Through a commitment to reengineering, the Department shall increase its ability to fund warfighting requirements and continued research and development.

4.2.10. Legality of Weapons Under International Law. DoD acquisition and procurement of weapons shall be consistent with all applicable treaties, customary international law, and the law of armed conflict (also known as the laws and customs of war). The Head of each DoD Component shall ensure that all Component

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activities that could reasonably generate questions concerning compliance with obligations under arms control agreements to which the United States is a party shall have clearance from the USD(A&T), in coordination with the OSD General Counsel and the Under Secretary of Defense (Policy), before such activity is undertaken. The Head of each DoD Component shall ensure that the Component's General Counsel or Judge Advocate General, as appropriate, conducts a legal review of the intended acquisition of a potential weapon to determine that it is consistent with U.S. obligations. The review shall be conducted before the award of the engineering and manufacturing development contract and before the award of the initial production contract. Files shall be kept permanently. Additionally, legal reviews of new, advanced, or emerging technologies which may lead to development of weapons or weapons systems are encouraged.

4.2.11. Software-Intensive Systems. Software is a key element in DoD systems. It is critical that software developers have a successful past performance record, experience in the software domain or product line, a mature software development process, and evidence of use and adequate training in software methodologies, tools, and environments.

4.2.12. Environmental Management. It is DoD policy to prevent, mitigate, or remediate environmental damage caused by-acquisition programs. Prudent investments in pollution prevention can reduce life-cycle environmental costs and liability while improving environmental quality and program performance. In designing, manufacturing, testing, operating and disposing of systems, all forms of pollution shall be prevented or reduced at the source whenever feasible.

4.3. Organizing for Efficiency and Effectiveness

4.3.1. Streamlined Organizations. DoD shall use a streamlined acquisition management structure characterized by short, clearly defined lines of responsibility, authority, and accountability. In general, the chain of command shall include the PM, the Program Executive Officer (PEO), the Component Acquisition Executive (CAE), reporting through the Head of the Component, and the USD(A&T) or ASD(C3I). In all cases, no more than two levels of review shall exist between a PM and the MDA.

4.3.2. Acquisition Corps. The DoD acquisition workforce shall be fully proficient in the acquisition process. To ensure proficiency, and in accordance with the statutory requirements contained in 10 USC Sec. 1701 (reference (j)), the USD(A&T) shall

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establish education, training, and experience standards for each acquisition position based on the level of complexity of duties carried out in that position. These standards are contained in DoDD 5000.52 (reference (k)).

4.3.3. Teamwork. Defense acquisition works best when all of the Department's Components work together. Cooperation and empowerment are essential. The Department's acquisition community shall implement the concepts of Integrated Product and Process Development (IPPD) and Integrated Product Teams (IPTs) as extensively as possible.

4.3.4. Limited Reporting Requirements. Complete and up-to-date program information is an essential ingredient of the defense acquisition process. At the same time, it is important to keep reporting requirements to a minimum. Consistent with statutory requirements, PMS and other participants in the defense acquisition process shall be required to present only the minimum information necessary for decision authorities to understand program status and make informed decisions. The exchange of program information shall be facilitated by the use of IPTs.

4.3.5. Tailoring. Certain core issues must be addressed at the appropriate milestone for every acquisition program. These issues are described in detail in the major sections of DoD 5000-R (reference (c)) and include program definition, program structure, program design, program assessments, and periodic reporting. How these issues are addressed shall be tailored by the appropriate MDA to minimize the time it takes to satisfy an identified need consistent with common sense, sound business management practice, applicable laws and regulations, and the time sensitive nature of the requirement itself. Tailoring may be applied to various aspects of the acquisition process, including program documentation, acquisition phases, the timing and scope of decision reviews, and decision levels. MDAs shall promote flexible, tailored approaches to oversight and review based on mutual trust and a program's size, risk, and complexity.

4.3.6. Automated Acquisition Information (AAI). The Department shall maintain an automated acquisition information (AAI) infrastructure to provide current and comprehensive information to decision-makers and interested parties, and to give PMS access to management tools that facilitate efficient and effective acquisition. The Defense Acquisition Deskbook satisfies the requirement for an AAI infrastructure. The Defense Acquisition Deskbook is an automated repository of information that consists of an electronic Desk Reference Set, a Tool

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Catalog, and a Forum for the exchange of information. The Reference Set organizes information into two main categories: mandatory guidance and discretionary information.

4.3.7. Management Control. Rigorous internal management control systems are integral to effective and accountable program management. The objective is to perform acquisition functions efficiently and effectively while maximizing the utilization and protection of resources through internal management controls. Managers throughout the acquisition community should implement appropriate management controls in accordance with this Directive and DoD 5000.2-R (reference (c)) (both of which satisfy the requirements of DoDD 5010.38 (reference (1))). Control objectives for acquisition program cost, schedule, and performance parameters are embodied in Acquisition Program Baselines (APBs). Material weaknesses are identified through deviations from approved APB parameters and exit criteria, as reflected in the DAES. In implementing internal management control systems, managers shall focus on results, not process.

5. RESPONSIBILITIES. This section describes the responsibilities of key acquisition officials and key forums. A key official is a DoD official who is: a member of the streamlined acquisition chain of command or a member of the Defense Acquisition Board. This section is descriptive only. Official responsibilities and authorities are set forth in individual DoD Directives and Component documents for each official and some forums.

5.1. Key Officials

5.1.1. The Deputy Secretary of Defense approves funding for new acquisition programs and provides general affordability planning guidance for use in structuring these programs, and leads the Defense Resources Board (DRB) (10 USC Sec. 132 (reference (m))).

5.1.2. The Under Secretary of Defense for Acquisition and Technology (USD(A&T)) is the Department's Acquisition Executive for MDAPs. As such, the USD(A&T) establishes acquisition policies and procedures, and chairs the Defense Acquisition Board (DAB) (10 USC Sec. 133 (reference (n))), DoDD 5134.1 (reference (o))).

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5.1.3. The Under Secretary of Defense (Policy) (USD(P)) leads the Department's planning effort (10 USC Sec. 134 (reference (p))), DoDD 5111.1 (reference (q))).

5.1.4. The Under Secretary of Defense (Comptroller) (USD(C)) leads the Department's budgeting effort (10 USC Sec. 135 (reference (r))), DoDD 5118.3 (reference (s))).

5.1.5. The Secretary of each Military Department, and the Heads of other DoD Components having acquisition management responsibilities, ensure that policies and procedures governing the operation of the Department's acquisition, requirements, and budgeting systems are effectively implemented. Each Secretary and Component Head also designates a single, full-time Acquisition Executive at the Assistant Secretary (or equivalent) level known as the Component Acquisition Executive (CAE), selects PEOs, establishes a centralized system for selecting PMs, and charters a Component-level system of acquisition oversight and review.

5.1.6. The Vice Chairman of the Joint Chiefs of Staff (VCJCS) chairs the Joint Requirements Oversight Council (JROC), vice-chairs the DAB, and represents the Commanders-in-Chiefs of the Unified Combatant Commands on acquisition and requirements matters (10 USC Sec. 154 (reference (t))).

5.1.7. The Director, Operational Test and Evaluation (DOT&E) establishes Department policies and procedures for operational test and evaluation and live-fire test and evaluation (10 USC Sec. 139 (reference (u))), DoDD 5141.2 (reference (v))).

5.1.8. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)) is the Department's Chief Information Officer (CIO) (formerly the Senior IM Official). As such, the ASD(C3I) is the Department's Acquisition Executive for AISS; establishes acquisition policies and procedures unique to AISS, and chairs the MAISRC (10 USC Sec. 138 (reference (w))); DoDD 5137.1 (reference (x))).

5.1.9. The Director, Program Analysis and Evaluation (DPA&E) leads the Department's programming effort (DoDD 5141.1 (reference (y))), provides guidance for and reviews the results of analysis of alternatives studies prepared for acquisition programs, and for AIS systems determines that the cost and benefit analyses are accurate and complete.

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5.1.10. The Component Acquisition Executives (CAE) supervise the operation of the acquisition system within their respective Component and are responsible for enforcing policies established by the USD(A&T). CAE's also serve as decision authorities for assigned programs.

5.1.11. Program Executive Officers (PEO) review and assess changes reported in assigned programs, the significance of the problems reported by the PM, the PM's proposed action plans, and the level of risk associated with such plans. PEO's also serve as decision authorities for assigned programs.

5.1.12. System Command (SYSCOM)/Designated Acquisition/Materiel Command Commanders provide support to PEOs and PMs and are decision authorities for assigned programs.

5.1.13. Program Managers (PMs) manage assigned programs in a manner consistent with the policies and principles articulated in this Directive and the PM Bill of Rights. In addition, PMs provide assessments of program status and risk to higher authorities and to the user or user's representative; actively manage, to the best of their abilities within approved resources, program cost, performance, and schedule; and provide assessments of contractor performance.

5.1.14. OIPT Leaders provide strategic guidance to the program office, resolve issues, and provide an independent assessment to the USD(A&T) and the DAB at major decision points, using information gathered through the Integrated Product Team (IPT) process.

5.2. Key Forums

5.2.1. The Defense Resources Board (DRB) is the senior DoD resource allocation board chaired by the Deputy Secretary of Defense. The DRB advises the Deputy Secretary on major resource allocation decisions.

5.2.2. The Defense Acquisition Board (DAB) is the senior DoD acquisition review board chaired by the USD(A&T). The DAB advises the USD(A&T) on major decisions on individual acquisition programs, specifically, and acquisition policies and procedures, generally.

5.2.3. The Major Automated Information System Review Council (MAISRC) is the senior DoD automated information systems acquisition review board chaired by the ASD(C3I). The MAISRC

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advises the ASD(C3I) on major decisions on individual major automated information system acquisition programs, specifically, and AIS acquisition policies and procedures, generally.

5.2.4. The Joint Requirements Oversight Council (JROC), chaired by the VCJCS, conducts requirements analyses, validates mission needs and key performance parameters, and develops recommended joint priorities for those needs. The JROC validates the C4I certification of mission need and operational requirements documents for conformance with joint C4 policy and doctrine, architectural integrity, and interoperability standards. The JROC advises the Chairman of the Joint Chiefs of Staff (CJCS) on requirements (MCM 14-95 (reference (z))).

5.2.5. Cost Analysis Improvement Group (CAIG), chaired by the Deputy Director, Resource Analysis, PA&E, conducts reviews of DoD Component cost estimates and prepares the independent cost estimate (DoDD 5000.4 (reference (aa))).

5.2.6. The Integrated Product Team (IPT) is composed of representatives from all appropriate functional disciplines working together with a Team Leader to build successful and balanced programs, identify and resolve issues, and make sound and timely recommendations to facilitate decision-making. There are three types of IPTs: Overarching IPTs focus on strategic guidance, program assessment, and issue resolution. Working Level IPTs identify and resolve program issues, determine program status, and seek opportunities for acquisition reform. Program IPTs focus on program execution, and may include representatives from both Government, and after contract award, industry.

6. EFFECTIVE DATE. This Directive is effective immediately.

Enclosures - 2

1. References
2. List of Cancellations Authorized by update of DoD Directive 5000.1

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E1. ENCLOSURE 1

REFERENCES

- (e) DoD Directive 8000.1, "Defense Information Management (IM) Program," October 27, 1992
- (f) Title 10, United States Code, Section 2430, Major defense acquisition program defined (these amounts have been increased pursuant to the statutory notice provided to Congress)
- (g) Chairman Joint Chiefs of Staff (CJCS) MOP 77, Requirements Generation System Policies and Procedures
- (h) DoD Directive 7045.14, "Planning, Programming, Budgeting System (PPBS)," Change 1, May 22, 1984
- (i) Title 10, United States Code, Section 2304, Contracts: competition requirements
- (j) Title 10, United States Code, Section 1701, Management policies
- (k) DoD Directive 5000.52, "Defense Acquisition Education, Training and Career Development Program," October 25, 1991
- (l) DoD Directive 5010.38, "Internal Management Control Program," April 14, 1987
- (m) Title 10, United States Code, Section 132, Deputy Secretary of Defense
- (n) Title 10, United States Code, Section 133, Under Secretary of Defense for Acquisition and Technology
- (o) DoD Directive 5134.1, "Under Secretary of Defense for Acquisition and Technology (USD(A&T))," June 8, 1994
- (p) Title 10, United States Code, Section 134, Under Secretary of Defense for Policy
- (q) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P))," March 22, 1995
- (r) Title 10, United States Code, Section 135, Under Secretary of Defense (Comptroller)
- (s) DoD Directive 5118.3, "Comptroller of the Department of Defense (C, DoD)," June 24, 1991
- (t) Title 10, United States Code, Section 154, Vice Chairman of the Joint Chiefs of Staff
- (u) Title 10, United States Code, Section 139, Director of Operational Test and Evaluation
- (v) DoD Directive 5141.2, "Director of Operational Test and Evaluation," Change 1, April 2, 1984
- (w) Title 10, United States Code, Section 138, Assistant Secretaries of Defense

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- (x) DoD Directive 5137.1, "Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I))." February 12, 1992
- (y) DoD Directive 5141.1, "Assistant Secretary of Defense (Program Analysis and Evaluation)," February 1, 1989
- (z) MCM 14-95, Charter of the Joint Requirements Oversight Council
- (aa) DoD Directive 5000.4, "OSD Cost Analysis Improvement Group (CAIG)," Change 1, November 24, 1992

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E2. ENCLOSURE 2

List of Cancellations Authorized by update of DoD Directive 5000.2

E2.1.1. DoD Directives, Instructions, and Manuals

- (bb) DoD Instruction 5000.2, "Defense Acquisition Management Policies and Procedures," February 23, 1991
- (cc) DoD Directive 5000.49, "Defense Acquisition Board," September 11, 1989
- (dd) DoD 7920.2-M, "Automated Information System Life-Cycle Management Manual," March 1990
- (ee) DoD Instruction 7920.4, "Baselining of Automated Information Systems," March 21, 1988
- (ff) DoD Instruction 8120.2, "Automated Information System Life-Cycle Management Process, Review, and Milestone Approval Procedures," January 14, 1993
- (gg) DoD 5000.2-M, "Defense Acquisition Management Documentation and Reports," February 23, 1991

E2.1.2. Policy Memoranda

- (hh) Office of the Secretary of Defense Memorandum, "Implementation Guidelines for Relating Cost and Operational Effectiveness Analysis (COEA) Measures of Effectiveness (MOEs) to Test and Evaluation," March 9, 1992
- (ii) Under Secretary of Defense for Acquisition and Technology Memorandum, "Foreign Military Sales of Major Defense Systems Which Have Not Completed Operational Test and Evaluation Satisfactorily," May 15, 1992
- (jj) Under Secretary of Defense for Acquisition and Technology Memorandum, "F-22 Exit Criteria" (last paragraph), May 20, 1993
- (kk) Under Secretary of Defense for Acquisition and Technology Memorandum, "Long Leadtime Item Procurement," September 13, 1993
- (ll) Under Secretary of Defense for Acquisition and Technology Memorandum, "Work Breakdown Structures," October 8, 1993
- (mm) Under Secretary of Defense for Acquisition and Technology Memorandum, "Reporting of Program Modifications and Upgrades," October 14, 1993
- (nn) Under Secretary of Defense for Acquisition and Technology Memorandum, "ACAT I Notification," January 6, 1994

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- (oo) Under Secretary of Defense for Acquisition and Technology Memorandum, "Live Fire Test and Evaluation Guidelines," January 27, 1994
- (pp) Under Secretary of Defense for Acquisition and Technology Memorandum, "Use of Commercial Quality System Standards in the Department of Defense," February 14, 1994
- (qq) Under Secretary of Defense for Acquisition and Technology Memorandum, "DoD Policy for Automatic Test Systems," April 29, 1994
- (rr) Under Secretary of Defense for Acquisition and Technology Memorandum, "Request for Waiver to DoD Instruction 5000.2 (Part 2), Paragraph C2(f)," August 18, 1994
- (ss) Under Secretary of Defense for Acquisition and Technology Memorandum, "Request for Waiver Cases #436 and #437," August 18, 1994
- (tt) Under Secretary of Defense for Acquisition and Technology Memorandum, "Release to Contractors of Numerical Weights Used in Source Selections," August 22, 1994
- (uu) Under Secretary of Defense for Acquisition and Technology Memorandum, "Tailoring of Acquisition Procedures and Documentation for Acquisition Category (ACAT) II, III, and IV Programs," August 23, 1994
- (vv) Office of the Secretary of Defense Memorandum, "Use of Ada," August 26, 1994
- (ww) Under Secretary of Defense for Acquisition and Technology Memorandum, "Integrated Program Management," September 30, 1994
- (xx) Under Secretary of Defense for Acquisition and Technology Memorandum, "Streamlined Acquisition Decision Memorandum Process," December 15, 1994
- (yy) Under Secretary of Defense for Acquisition and Technology Memorandum, "Defense Acquisition Environmental Policies and Procedures, DoDI 5000.2, Part 6, Section I," December 30, 1994
- (zz) Under Secretary of Defense for Acquisition and Technology Memorandum, "Operating and Support Costs in Acquisition Program Reviews," March 15, 1995
- (aaa) Under Secretary of Defense for Acquisition and Technology Memorandum, "Quantities to be Procured for Low Rate Initial Production," April 14, 1995
- (bbb) Secretary of Defense Memorandum, "Use of Integrated Product and Process Development and Integrated Product Teams in DoD Acquisition," May 10, 1995
- (ccc) Under Secretary of Defense for Acquisition and Technology Memorandum, "Competition in Acquisition of Defense Systems," May 4, 1995

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- (ddd) Director Operational Test and Evaluation Memorandum, "Live Fire Test and Evaluation Authority and Responsibility," June 3, 1995
- (eee) Under Secretary of Defense for Acquisition and Technology Memorandum, "Policy on Cost-Performance Trade Offs," July 19, 1995
- (fff) Under Secretary of Defense for Acquisition and Technology Memorandum, "Technical Representatives at Contractor Facilities," August 9, 1995
- (ggg) Under Secretary of Defense for Acquisition and Technology Memorandum, "Acquisition Program Baselines and Performance Based Management of Defense Programs," September 27, 1995

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APPENDIX P

EXCERPT FROM DEPARTMENT OF DEFENSE INSTRUCTION 6050.5
DOD HAZARD COMMUNICATION PROGRAM

NUMBER 6050.5

October 29, 1990

Administrative Reissuance

Incorporating Change 1,
May 6, 1996

USD(A&T)

SUBJECT: DoD Hazard Communication Program

- References:
- (a) DoD Instruction 6050.5, "Hazardous Materials Information System," January 25, 1978 (hereby canceled)
 - (b) Title 29, Code of Federal Regulations, Section 1910.1200, "Hazard Communication," August 24, 1987, Section 1910.120, "Hazardous Waste Operations and Emergency Response," May 4, 1987 and Section 1910.1450, "Occupational Exposure to Hazardous Chemicals in Laboratories," January 31, 1990.
 - (c) DoD Safety and Occupational Health Program Policy Memorandum 88-1, "Hazard Communication," February 9, 1988 (hereby canceled)
 - (d) Federal Standard 313, "Material Safety Data Sheets, Transportation Data, and Disposal Data for Hazardous Materials furnished to Government Activities," latest revision
 - (e) through (q), see enclosure 1

1. REISSUANCE AND PURPOSE. This Instruction reissues reference (a); fulfills the requirements of reference (b); updates DoD policy responsibilities and procedures for a Comprehensive Hazard Communication Program that:

1.1. Prescribes training for DoD personnel to ensure that they are:

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1.1.1. Aware of the potential health hazards associated with their occupation.

1.1.2. Informed of safe work practices and proper use of engineering controls.

1.1.3. Trained in the selection, use, and availability of appropriate personal protective equipment to prevent chemically related injuries and illnesses.

1.2. Requires the DoD Components to comply with the Occupational Safety and Health Administration (OSHA) under 29 C.F.R. 1910.120, 1910.1200, and 1900.1450 hazard communication standards (HCS) reference (b).

1.3. Updates policy on hazard communication, DoD Policy Memorandum 88-1 (reference (c)), and policy on the DoD Hazardous Materials Information System (HMIS) data system under this Instruction. The HMIS is used to acquire, review, store, and disseminate selected information on hazardous materials as they are defined in Federal Standard 313 and FARS subparagraph 22.3 and DFARS 252.223-7004 (references (d) and (e)). The HMIS provides reference information required at all levels of DoD management to:

1.3.1. Develop procedures to prevent injuries and occupational illness in the handling, storage, use, transportation, and disposal of hazardous materials and wastes.

1.3.2. Apprise DoD and contractor personnel of the potential hazards of materials encountered in DoD workplaces.

1.3.3. Devise environmentally acceptable disposal procedures.

1.3.4. Assist in hazardous materials and hazardous waste minimization programs under DoD Directive 4210.15 (reference (f)).

1.3.5. Comply with Federal safety and health regulations (reference (b)).

1.4. Authorizes the continued publication of the following documents, consistent with DoD 5025.1-M (reference (h)).

1.4.1. DoD 6050.5-M (reference (i)).

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- 1.4.2. DoD 6050.5-G, (reference (j)).
- 1.4.3. DoD 6050.5-G-1, (reference (k)).
- 1.4.4. DoD 6050.5-H, (reference (l)).
- 1.4.5. DoD 6050.5-W, (reference (m)).

2. APPLICABILITY AND SCOPE

2.1. This Instruction applies to:

2.1.1. The Office of the Secretary of Defense (OSD); the Military Departments; the Chairman, Joint Chiefs of Staff and the Joint Staff; the Unified and Specified Commands; the Inspector General, Department of Defense (IG, DoD); the Uniformed Services University of the Health Sciences (USUHS); the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

2.1.2. All DoD personnel who use, handle, or may be potentially exposed to hazardous materials and waste, including those working in contractor facilities. Where feasible, such DoD personnel may be included in the contractor's hazard communication program. In those cases, DoD Components retain ultimate responsibility for program oversight, adequacy, and DoD worker participation.

2.1.3. All DoD Components in the acquisition and processing of material safety data sheets (MSDS), in their roles as:

2.1.4.1. Employers of personnel potentially exposed to hazardous materials in the workplace.

2.1.4.2. Distributors of hazardous materials to downstream DoD personnel and/or customers, as defined in accordance with (IAW) the requirements of Section 1900.1200 of reference (b).

2.2. This Instruction applies to all hazardous materials used within the Department of Defense, whether centrally or locally managed and procured.

2.3. Contractor employees who are employed at a DoD-owned or -operated facilities may be included in the DoD Components' Hazard Communication Program on a space-available and

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reimbursable basis, as determined by the contracting officer. In those cases, contractors must assume ultimate responsibility that their employees have received appropriate training and ensure that all required records for their employees are maintained. Nothing in this Instruction alleviates Government contractors from full compliance with reference (b) and comparable state and local requirements.

2.4. The training and labeling requirements of 29 CFR 1910.1200, DoD 6050.5-H (references (b) and (1)) and the requirements of this Instruction apply to all DoD Components. Those requirements should not be duplicated for DoD personnel regulated by other Federal Agencies exercising statutory authority under Section 1910.1200, Section (b) (5), of reference (b); e.g., pest control and nuclear facility workers.

2.5. This Instruction applies only to the occupational uses and exposures to hazardous chemicals.

3. POLICY. It is DoD policy to:

3.1. Protect DoD personnel from adverse effects of workplace hazardous materials and waste in order to reduce chemically related injuries and illnesses.

3.2. Have a standardized HMIS established, maintained, and used by all the DoD Components.

4. RESPONSIBILITIES

4.1. The Deputy Under Secretary of Defense (Environmental Security (DUSD(ES))) shall provide policy guidance, coordination, and oversight of the DoD Hazard Communication Program.

4.2. The Head of DoD Components shall:

4.2.1. Establish and maintain hazard communication programs that conform to the requirements of this Instruction.

4.2.2. Designate an office or agency as office of primary responsibility (OPR) to issue policy and guidance for that Component's role in the HMIS. If appropriate, designate a separate office or agency to serve as that DoD Component's focal point for obtaining reviewing, entering, and providing

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information to the HMIS data bank in accordance with the DoD Component's guidance.

4.2.3. Inform Headquarters, Defense Logistics Agency (DLA) (Attn: DLA-CAAE), of changes in focal points.

4.2.4. Ensure that purchase requests for applicable supply items include a requirement for contracting activities to obtain from offerors/suppliers MSDS and OSHA HCS compliant hazard warning label, IAW MIL-STD-129K, Federal Standard 313 and DFARS 252.223-7004, (references (n), (d), and (e)). The MSDS must be available for worker training and reference prior to the material being released for use in the workplace.

4.2.5. Establish health education programs IAW this Instruction and DoD Instructions 6055.1 and 6055.5 (references (o) and (p)) to ensure that all personnel who work with hazardous materials or wastes are notified of the following:

4.2.5.1. Hazards to which they are potentially exposed.

4.2.5.2. Exposure symptoms and emergency first aid treatment.

4.2.5.3. Precautions for safe use.

4.2.5.4. Personal protective equipment and control devices.

4.2.5.5. Waste disposal instructions.

4.2.5.6. Develop procedures to ensure that any proprietary formulary and/or trade secret information in an MSDS is protected and used only as a management tool for exposure and accident prevention and health hazard education. Trade secret information shall be treated IAW the requirements and restrictions of 29 C.F.R. 1910.1200 (reference (b)). Disclosure of any information outside the Department of Defense shall be IAW DoD Directive 5400.7 (reference (q)).

4.2.5.7. Provide guidance to its contracting officers to include in contracts for the purchase of hazardous materials; a notice that the MSDS and manufacturer's labels are to be forwarded to the designated office of the contracting activity, who shall be responsible for forwarding the MSDS and manufacturers label to the DoD Components' HMIS focal point.

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4.2.5.8. Ensure that MSDS and label information in any of the Component's local level reference systems is forwarded to their designated focal point for review and submission to the DoD HMIS, as appropriate.

4.2.5.9. If requested, provide the Director, DLA, with information for the semiannual management report on status of HMIS implementation.

4.3. The Director, Defense Logistics Agency (DLA) is hereby designated Executive Agent for the HMIS and publication of DoD Manual 6050.5-M, "DoD Hazardous Materials Information System Procedures" and shall administer the HMIS IAW the policies established by the Assistant Deputy Under Secretary of Defense (Safety and Occupational Health Policy) (ADUSD(SH)), under the direction of the DUSD(ES), and specifically shall:

4.3.1. Establish and operate the DoD HMIS data bank for the storage and retrieval of data IAW the following minimum provisions:

4.3.1.1. Material Safety Data Sheet (MSDS), transportation, disposal, and label information shall be accessible by National Item Identification Number (NIIN), focal point assigned stock number (in the absence of NIIN), trade name and/or part number, hazard characteristic code, hazardous ingredients, and manufacturer/distributor commercial and government entity (CAGE) code.

4.3.1.2. The data bank shall be open ended to allow for expansion, as required by future safety, health, environmental, or transportation legislation or regulation.

4.3.1.3. MSDS records shall be retained for at least 40 years. Data may be centrally archived as the system grows.

4.3.2. Receive and process hazardous materials information from DoD Component's focal points, the General Services Administration (GSA), and other Federal Agencies as specified in the DoD 6050.5-M (reference (i)).

4.3.3. Publish and distribute the HMIS in both restricted and nonrestricted versions and the data in media (microfiche and/or electronic data interchange technologies) appropriate to the needs and/or technology availabilities of the DoD customer on a quarterly basis IAW standard practices for the media involved.

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4.3.4. Issue guidance to all DoD Components, as required to establish, operate, and improve the DoD HMIS data bank.

4.3.5. Provide a semiannual management report to the DUSD(ES) on the status of the implementation of the HMIS for all of the Department of Defense. Include the operational content and use statistics of the database. This report is due May 15 and November 15 of each year. DoD Component input must be requested through the Component OPR.

4.3.6. Negotiate agreements with Federal Agencies establishing OPRs and focal points and for interaction with HMIS.

4.3.7. Negotiate agreements with industry to exchange hazardous material data.

5. PROCEDURES

5.1. Training

5.1.1. Personnel occupationally exposed to hazardous materials shall be trained IAW the HCS requirements (reference (b)) prior to being assigned to work with hazardous materials or wastes.

5.1.2. The DoD and Federal Agency Hazard Communication Training Program DoD 6050.5-G-1, (reference (k)) should be used as the minimum training for all DoD personnel who handle or use hazardous materials. The DoD Components are not to develop or purchase other basic hazard communication training programs.

5.1.3. In-depth training on specific chemicals or operations is required and may be accomplished using commercial or DoD Component-developed programs. Research activities may tailor the program in Section 1910.1450 of reference (b) to meet the special needs of their workers. Copies of DoD Component-developed programs (base level, major command, or Component-wide) should be submitted to the ODUSD(ES) for the purpose of sharing those programs among the DoD Components.

5.2. Material Safety Data Sheets (MSDS)

5.2.1. Hazard warning information, MSDS and label, shall be readily accessible to DoD personnel for all hazardous materials they handle, use, or may be potentially exposed.

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5.2.2. DoD or contractor occupational health and/or safety personnel shall be available, on request, to provide explanations or interpretations of MSDS to supervisors and affected workers and assistance in HCS training.

5.2.3. DoD policy is to use the HCS (Section 1910.1200 of reference (b)) as a basis for hazard communication programs in foreign countries. Officials responsible for installations in foreign countries shall determine requirements for items to be acquired by contract and shall specify the need for the contractor to furnish safety and health hazard data. That requirement shall be stated in each procurement request for each hazardous chemical to be acquired either as an end item or as a component of the material being procured. A copy of the hazardous material information shall be provided to the DoD Component's focal point, for transmittal to the DoD HMIS, if the hazardous chemical is expected to be procured more than once or will ultimately be turned in to the Defense Reutilization and Marketing Office.

5.2.4. The activity controlling the formulation of hazardous chemicals produced by DoD Components shall develop the MSDS and the DoD label (DD Forms 2521 and 2522). The controlling DoD Component shall supply the MSDS and the DoD label to subsequent users and to the DoD Component focal point for entry into the HMIS data bank. Classified MSDSs and DoD labels shall be maintained and used by the DoD Components but will not be sent to the DoD HMIS. Unclassified versions of this MSDS, adequate for transportation, spill response, and emergency medical treatment, along with emergency telephone number, should be provided to the DoD HMIS.

5.2.5. For nationally stock-listed and locally purchased nonstandard stock hazardous chemicals, MSDS and HCS-compliant labels shall be contractually required and obtained by the responsible contracting officer and forwarded to the DoD Component's focal point for processing to the HMIS data bank. For locally purchased chemicals, the contracting officer shall ensure that the installation MSDS points of contact (POC) review the MSDS and label for adequacy before contract award. The installation POC shall then forward the MSDS and label to the DoD Component's focal point for processing (DoD 6050.5-M reference (i)).

5.3. DoD Labeling

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5.3.1. All hazardous chemicals used by DoD Components will be labeled IAW with HCS (reference (b)).

5.3.2. Commercial suppliers shall be required to label all hazardous materials with HCS-compliant labels (Section 1910.1200 of reference (b)) IAW MIL-STD-129 (reference (n)).

5.3.3. DoD activities are not required to relabel, with the DoD label, hazardous chemicals received from commercial suppliers when those materials are labeled IAW the HCS (29 C.F.R. 1910.1200, reference (b)).

5.3.4. The DoD hazardous chemical warning labeling system (DoD 6050.5-H, reference (1)) is a method of communicating standardized hazard warning information to DoD personnel when manufacturers' labels cannot be used. DoD labeling shall be based on the information provided on the manufacturers' MSDS and label, and be IAW the methodology described in reference (1). The DoD label and data descriptors are to be used to meet the OSHA labeling requirements within the DoD for:

5.3.4.1. Hazardous chemicals manufactured by the DoD. If required, specific ingredients, composition, or properties may be protected for national security reasons. Labels for items with protected information should contain unclassified information adequate to identify hazards and protect personnel, including name and address of DoD activity responsible for developing the MSDS and the DoD label. Copies of unclassified label information should be provided to the appropriate HMIS focal point.

5.3.4.2. Repackaged containers or breakdown quantities of hazardous chemicals.

5.3.4.3. Marking tanks, piping, vats, or similar vessels of hazardous chemicals when other means, such as placards, are not available.

5.3.4.4. Unlabeled hazardous materials already available in the DoD inventory. Chemicals in depot storage will be labeled when shipped or removed for use.

5.3.5. The DoD label can be applied with variations. Color DoD labels may be used. The size of the DoD label may be locally varied to fit the size and shape of the container being labeled. Local reproduction is authorized.

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5.3.6. For efficient and consistent use of DD Forms 2521 and 2522, "Hazardous Chemical Warning Label," the DLA shall develop the system capability to allow the Military Departments, DLA, GSA, and other organizations the capability to develop a data base of HCS-compliant labeling information for all hazardous chemicals in the HMIS. New fields shall be added to the HMIS, as required to contain DoD labeling information. The DLA shall provide the DoD Components a labeling file that prints the DoD Hazardous Chemical Warning label (DD Forms 2521 and 2522) from the HMIS compact disk-read only memory (CD-ROM) disk within 90 days of publication of this Instruction.

5.3.7. DoD Components shall not develop or use other workplace hazardous materials warning labels, except for Navy ships which may use alternate HCS compliant labeling for repackaged or breakdown containers or unlabeled containers aboard ship.

5.4. Hazard Communication and Chemical Hygiene Plans

5.4.1. All DoD Component installations using hazardous materials shall develop a written hazard communication plan IAW 29 C.F.R. 1910.1200 (reference (b)). Additionally, DoD installations with laboratories shall develop a chemical hygiene plan, IAW Section 1900.1450 of reference (b).

5.4.2. The installation plans should be readily available to all affected personnel and include any installation unique procedures about the local purchase of hazardous materials.

5.4.3. The hazard communication plan must ensure that contractors bringing hazardous materials onto DoD installations shall:

5.4.3.1. Provide advance notification (normally 30 days) to installation officials of hazardous materials that will be used in the performance of the work.

5.4.3.2. Provide copies of MSDS and labels of the hazardous chemicals and materials to the contracting officer, who shall forward these documents to installation health and safety officials 5 working days before the materials are brought onto the installation.

5.5. HMIS. The DoD Component's focal points shall input information to the HMIS data bank as described in the DoD 6050.5-M (reference (i)) and in the following procedures:

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5.5.1. Receive all MSDS obtained by the DoD Component's procuring activities.

5.5.2. Review MSDS and labels as received to ensure that data are complete, reasonable, legible, and in conformance with the requirements of the HCS (29 C.F.R. 1900.1200, reference (b)). (Laboratory verification of technical elements is not required.) Add missing data elements and check obvious or suspected errors with the originator. Return incomplete or inadequate MSDS and labels to the supplier for correction.

5.5.3. Submit data to the DoD system through the media (hard copy or electronic data interchange technologies) appropriate to the technological capabilities and/or availabilities of the DoD Component system users IAW the procedures of DoD 6050.5-M (reference (i)).

5.5.4. Act as the primary POC between the DoD hazardous material data bank and the Component activities.

6. INFORMATION REQUIREMENTS. The information requirements prescribed herein, including the establishment and operation of the DLA database, are assigned Report Control Symbol DD-(FM&P) (A,Q&AR) 1486.

7. EFFECTIVE DATE. This Instruction is effective immediately.

Christopher Jebn
Assistant Secretary of Defense
(Force Management and Personnel)

Enclosures - 1

1. References

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E1. ENCLOSURE 1

REFERENCES

- (e) Federal Acquisition Regulation (FAR), Subpart 23.3, and 52.223-3, "Material Safety Data Sheets: Hazard Materials Identification and Material Safety Data"
- (f) Defense FAR Supplement (DFARS), Subpart 223.72 and clause 252.223-7004, "Material Safety Data Sheets: Hazard Materials Identification and Material Safety Data"
- (g) DoD Directive 4210.15, "Hazardous Materials Pollution Prevention," July 27, 1989
- (h) DoD 5025.1-M, "Department of Defense Directive System Procedures," April 1981, authorized by DoD Directive 5025.1, December 23, 1988
- (i) DoD 6050.5-M, "DoD Hazardous Materials Information System Procedures," July 1981, authorized by this Instruction
- (j) DoD 6050.5-G, "The Hazardous Materials Information System Users Guide," January 1987, authorized by this Instruction
- (k) DoD 6050.5-G-1, "Department of Defense Federal Hazard Communication, Training Program - Trainer's Guide," April 1988, authorized by this Instruction
- (l) DoD 6050.5-H, "Department of Defense Hazardous Chemical Warning Labeling System," June 1989, authorized by this Instruction
- (m) DoD 6050.5-W, "Department of Defense Federal Hazard Communication, Training Program - Student's Workbook," April 1988, authorized by this Instruction
- (n) MIL-STD-129k "Marketing for Shipment and Storage," September 15, 1989
- (o) DoD Instruction 6055.1, "DoD Occupational Safety and Health Program," October 26, 1984
- (p) DoD Instruction 6055.5, "Industrial Hygiene and Occupational Health," January 10, 1989
- (q) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988

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APPENDIX Q

EXCERPT FROM DEPARTMENT OF DEFENSE DIRECTIVE 6050.7
ENVIRONMENTAL EFFECTS ABROAD OF MAJOR DEPARTMENT OF DEFENSE
ACTIONS

NUMBER 6050.7

March 31, 1979

ASD(MRA&L)

SUBJECT: Environmental Effects Abroad of Major Department
of Defense Actions

Reference: (a) Executive Order 12114, "Environmental Effects
Abroad of Major Federal Actions," dated January
4, 1979

1. PURPOSE. Executive Order 12114 provides the exclusive and complete requirement for taking account of considerations with respect to actions that do significant harm to the environment of places outside the United States. This directive provides policy and procedures to enable Department of Defense (DoD) officials to be informed and take account of environmental considerations when authorizing or approving certain major federal actions that do significant harm to the environment of places outside the United States. Its sole objective is to establish internal procedures to achieve this purpose, and nothing in it shall be construed to create a cause of action. Guidance for taking account of considerations with respect to the environment of places within the United States is set out in DoD Directive 6050.1. That guidance is grounded on legal and policy requirements different from those applicable to this directive.

2. APPLICABILITY. The provisions of this directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD components").

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3. DEFINITIONS

3.1. Environment means the natural and physical environment, and it excludes social, economic, and other environments. Social and economic effects do not give rise to any requirements under this directive.

3.2. Federal Action means an action that is implemented or funded directly by the United States Government. It does not include actions in which the United States participates in an advisory, information-gathering, representational, or diplomatic capacity but does not implement or fund the action; actions taken by a foreign government or in a foreign country in which the United States is a beneficiary of the action, but does not implement or fund the action; or actions in which foreign governments use funds derived indirectly from United States funding.

3.3. Foreign Nation means any geographic area (land, water, and airspace) that is under the jurisdiction of one or more foreign governments; any area under military occupation by the United States alone or jointly with any other foreign government; and any area that is the responsibility of an international organization of governments. "Foreign nation" includes contiguous zones and fisheries zones of foreign nations. "Foreign government" in this context includes governments regardless of whether recognized by the United States, political factions, and organizations that exercise governmental power outside the United States.

3.4. Global Commons are geographical areas that are outside the jurisdiction of any nation, and include the oceans outside territorial limits and Antarctica. Global commons do not include contiguous zones and fisheries zones of foreign nations.

3.5. Major Action means an action of considerable importance involving substantial expenditures of time, money, and resources, that affects the environment on a large geographic scale or has substantial environmental effects on a more limited geographical area, and that is substantially different or a significant departure from other actions, previously analyzed with respect to environmental considerations and approved, with which the action under consideration may be associated. Deployment of ships, aircraft, or other mobile military equipment is not a major action for purposes of this directive.

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3.6. United States means all States, territories, and possessions of the United States; and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Island, Guam, Palmyra Island, Johnston Atoll, Navassa Island, and Kingman Reef.

4. POLICY

4.1. Executive Order 12114 is based on the authority vested in the President by the Constitution and the laws of the United States. The objective of the Order is to further foreign policy and national security interests while at the same time taking into consideration important environmental concerns.

4.2. The Department of Defense acts with care in the global commons because the stewardship of these areas is shared by all the nations of the world. The Department of Defense will take account of environmental considerations when it acts in the global commons in accordance with procedures set out in enclosure 1 and its attachment.

4.3. The Department of Defense also acts with care within the jurisdiction of a foreign nation. Treaty obligations and the sovereignty of other nations must be respected, and restraint must be exercised in applying United States laws within foreign nations unless Congress has expressly provided otherwise. The Department of Defense will take account of environmental considerations in accordance with enclosure 2 and its attachments when it acts in a foreign nation.

4.4. Foreign policy considerations require coordination with the Department of State on communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this directive. Informal working-level communications and arrangements are not included in this coordination requirement. Consultation with the Department of State also is required in connection with the utilization of additional exemptions from this directive as specified in paragraph E2.3.3.2. of enclosure 2. Coordination and consultation with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

4.5. Executive Order 12114, implemented by this directive, prescribes the exclusive and complete procedural measures and

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other actions to be taken by the Department of Defense to further the purpose of the National Environmental Policy Act with respect to the environment outside the United States.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall:

5.1.1. Serve as the responsible Department of Defense official for policy matters under Executive Order 12114 and this directive;

5.1.2. Modify or supplement any of the enclosures to this directive in a manner consistent with the policies set forth in this directive;

5.1.3. Maintain liaison with the Council on Environmental Quality with respect to environmental documents;

5.1.4. Participate in determining whether a recommendation should be made to the President that a natural or ecological resource of global importance be designated for protection; and

5.1.5. Consult with the Assistant Secretary of Defense (International Security Affairs) on significant or sensitive actions or decisions affecting relations with another nation.

5.2. The Assistant Secretary of Defense (International Security Affairs) shall:

5.2.1. Maintain liaison and conduct consultations with the Department of State as required under this directive; and

5.2.2. Serve as the responsible official, in consultation with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), for monitoring the continuing cooperation and the exchange of information with other nations concerning the environment.

5.3. The General Counsel, DoD, shall provide advice and assistance concerning the requirements of Executive Order 12114 and this directive.

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5.4. The Secretaries of the Military Departments, Directors of the Defense Agencies, and Commanders of the Unified and Specified Commands, for operations under their jurisdiction, shall:

5.4.1. Prepare and consider environmental documents when required by this directive for proposed actions within their respective DoD component (this reporting requirement has been assigned Report Control Symbol DD-M(AR) 1327 (section 6.));

5.4.2. Insure that regulations and other major policy issuances are reviewed for consistency with Executive Order 12114 and this directive;

5.4.3. Designate a single point-of-contact for matters pertaining to this directive; and

5.4.4. Consult with the Assistant Secretary of Defense (International Security Affairs) on significant or sensitive actions or decisions affecting relations with another nation.

6. INFORMATION REQUIREMENTS

The documents to be prepared under subsection 5.4. and enclosures 1 and 2 are assigned Report Control Symbol DD-M(AR) 1327 (formerly DD-H&E(AR) 1327).

7. EFFECTIVE DATE AND IMPLEMENTATION

This directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 90 days.

Enclosures - 3

1. Requirements for Environmental Considerations Global-Commons
2. Requirements for Environmental Considerations-Foreign Nations and Protected Global Resources
3. References

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E1. ENCLOSURE 1

REQUIREMENTS FOR ENVIRONMENTAL CONSIDERATIONS- GLOBAL COMMONS

E1.1. GENERAL

This enclosure implements the requirements of Executive Order 12114 with respect to major Department of Defense actions that do significant harm to the environment of the global commons. The focus is not the place of the action, but the location of the environment with respect to which there is significant harm. The actions prescribed by this enclosure are the exclusive and complete requirement for taking account of environmental considerations with respect to Department of Defense activities that affect the global commons.

E1.2. ACTIONS INCLUDED

The requirements of this enclosure apply only to major federal actions that do significant harm to the environment of the global commons.

E1.3. ENVIRONMENTAL DOCUMENT REQUIREMENTS

E1.3.1. General. When an action is determined to be a major federal action that significantly harms the environment of the global commons, an environmental impact statement, as described below, will be prepared to enable the responsible decision-making official to be informed of pertinent environmental considerations. The statement may be a specific statement for the particular action, a generic statement covering the entire class of similar actions, or a program statement.

E1.3.2. Limitations on Actions. Until the requirements of this enclosure have been met with respect to actions involving the global commons, no action concerning the proposal may be taken that does significant harm to the environment or limits the choice of reasonable alternatives.

E1.3.3. Emergencies. Where emergency circumstances make it necessary to take an action that does significant harm to the environment without meeting the requirements of this enclosure, the DoD component concerned shall consult with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). This includes actions that must be taken to promote the national

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defense or security and that cannot be delayed, and actions necessary for the protection of life or property.

E1.3.4. Combining Documents. Environmental documents may be combined with other agency documents to reduce duplication. If an environmental impact statement for a particular action already exists, regardless of what federal agency prepared it, no new statement is required by this directive.

E1.3.5. Collective Statements. Consideration should be given to the use of generic and program statements. Generic statements may include actions with relevant similarities such as common timing, environmental effects, alternatives, methods of implementation, or subject matter.

E1.3.6. Tiering. Consideration should be given to tiering of environmental impact statements to eliminate repetitive discussions of the same issue and to focus the issues. Tiering refers to the coverage of general matters in broader environmental impact statements, with succeeding narrower statements or environmental analyses that incorporate by reference the general discussion and concentrate only on the issues specific to the statement subsequently prepared.

E1.3.7. Lead Agency. When one or more other federal agencies are involved with the Department of Defense in an action or program, a lead agency may be designated to supervise the preparation of the environmental impact statement. In appropriate cases, more than one agency may act as joint lead agencies. The following factors should be considered in making the lead agency designation:

E1.3.7.1. The magnitude of agency involvement;

E1.3.7.2. Which agency or agencies have project approval and disapproval authority;

E1.3.7.3. The expert capabilities concerning the environmental effects of the action;

E1.3.7.4. The duration of agency involvement; and

E1.3.7.5. The sequence of agency involvement.

E1.3.8. Categorical Exclusions. The Department of Defense may provide categorical exclusions for actions that normally do not, individually or cumulatively, do significant harm to the

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environment. If an action is covered by a categorical exclusion no environmental assessment or environmental impact statement is required. Categorical exclusions will be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) and will be identified in Attachment 1 to this enclosure. DoD components identifying recurring actions that have been determined, after analysis, not to do significant harm to the environment should submit recommendations for categorical exclusions and accompanying justification to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

E1.3.9. Environmental Assessments. The purpose of an environmental assessment is to assist DoD components in determining whether an environmental impact statement is required for a particular action. The assessment should be brief and concise but should include sufficient information on which a determination can be made whether the proposed action is major and federal, and whether it significantly harms the environment of the global commons. As a minimum, the assessment should include consideration of the need for the proposed action and the environmental effect of the proposed action. The environmental assessment will be made available to the public in the United States upon request, but there is no requirement that it be distributed for public comment.

E1.4. ENVIRONMENTAL IMPACT STATEMENTS

E1.4.1. General. Environmental impact statements will be concise and no longer than necessary to permit an informed consideration of the environmental effects of the proposed action on the global commons and the reasonable alternatives. If an action requiring an environmental impact statement also has effects on the environment of a foreign nation or on a resource designated as one of global importance, the statement need not consider or be prepared with respect to these effects. The procedures for considering these effects are set out in enclosure 2.

E1.4.2. Draft Statement. Environmental impact statements will be prepared in two stages and may be supplemented. The first, or draft statement, should be sufficiently complete to permit meaningful analysis and comment. The draft statement will be made available to the public, in the United States, for comment. The Department of State, the Council on Environmental Quality, and other interested federal agencies will be informed of the availability of the draft statement and will be afforded an opportunity to comment. Contacts with foreign governments are

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discussed in subsection 4.4. of the directive and subsection E1.4.11. of this enclosure.

E1.4.3. Final Statement. Final statements will consider, either individually or collectively, substantive comments received on the draft statement. The final statement will be made available to the public in the United States.

E1.4.4. Supplemental Statement. Supplements to the draft or final statement should be used when substantial changes to the proposed action are made relative to the environment of the global commons or when significant new information or circumstances, relevant to environmental concerns bear on the proposed action or its environmental effects on the global commons. Supplemental statements will be circulated for comment as in subsection E1.4.2. above unless alternative procedures are approved by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

E1.4.5. Statement Content. The statement will include: a section on consideration of the purpose of and need for the proposed action; a section on the environmental consequences of the proposed action and reasonable alternatives; a section that provides a succinct description of the environment of the global commons affected by the proposed action and reasonable alternatives; and a section that analyzes, in comparative form, the environmental effects on the global commons of the proposed action and reasonable alternatives.

E1.4.6. Incomplete Information. The statement should indicate when relevant information is missing due to unavailability or scientific uncertainty.

E1.4.7. Hearings. Public hearings are not required. Consideration should be given in appropriate cases to holding or sponsoring public hearings. Factors in this consideration include: foreign relations sensitivities; whether the hearings would be an infringement or create the appearance of infringement on the sovereign responsibilities of another government; requirements of domestic and foreign governmental confidentiality; requirements of national security; whether meaningful information could be obtained through hearings; time considerations; and requirements for commercial confidentiality. There is no requirement that all factors listed in this section be considered when one or more factors indicate that public hearings would not produce a substantial net benefit to those responsible for authorizing or approving the proposed action.

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E1.4.8. Decision. Relevant environmental documents developed in accordance with this enclosure will accompany the proposal for action through the review process to enable officials responsible for authorizing or approving the proposed action to be informed and to take account of environmental considerations. One means of making an appropriate record with respect to this requirement is for the decision-maker to sign and date a copy of the environmental impact statement, indicating that it has been considered in the decision-making process. Other means of making an appropriate record are also acceptable.

E1.4.9. Timing. No decision on the proposed action may be made until the later of 90 days after the draft statement has been made available and notice thereof published in the Federal Register, or 30 days after the final statement has been made available and notice thereof published in the Federal Register. The 90-day period and the 30-day period may run concurrently. Not less than 45 days may be allowed for public comment. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) may, upon a showing of probable important adverse effect on national security or foreign policy, reduce the 30-day, 45-day, and 90-day periods.

E1.4.10. Classified Information. Environmental assessments and impact statements that address classified proposals will be safeguarded and classified information will be restricted from public dissemination in accordance with Department of Defense procedures (DoD Directive 5200.1) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this directive. Only unclassified portions of environmental documents may be disseminated to the public.

E1.4.11. Foreign Governments. Consideration will be given to whether any foreign government should be informed of the availability of environmental documents. Communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this directive will be coordinated with the Department of State. Informal, working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

Attachments - 1

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1. Report Control Symbol DD-M(AR) 1327, Categorical Exclusions - Global Commons

E1.A1. ENCLOSURE 1 ATTACHMENT 1

REPORT CONTROL SYMBOL DD-M(AR) 1327

CATEGORICAL EXCLUSIONS--GLOBAL COMMONS

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E2. ENCLOSURE 2

REQUIREMENTS FOR ENVIRONMENTAL CONSIDERATIONS- FOREIGN NATIONS AND PROTECTED GLOBAL RESOURCES

E2.1. GENERAL

This enclosure implements the requirements of Executive Order 12114 to provide for procedural and other actions to be taken to enable officials to be informed of pertinent environmental considerations when authorizing or approving certain major Department of Defense actions that do significant harm to the environment of a foreign nation or to a protected global resource.

E2.2. ACTIONS INCLUDED

E2.2.1. The requirements of this enclosure apply only to the following actions:

E2.2.1.1. Major federal actions that significantly harm the environment of a foreign nation that is not involved in the action. The involvement of the foreign nation may be directly by participation with the United States in the action, or it may be in conjunction with another participating nation. The focus of this category is on the geographical location of the environmental harm and not on the location of the action.

E2.2.1.2. Major federal actions that are determined to do significant harm to the environment of a foreign nation because they provide to that nation: (1) a product, or involve a physical project that produces a principal product, emission, or effluent, that is prohibited or strictly regulated by federal law in the United States because its toxic effects on the environment create a serious public health risk; or (2) a physical project that is prohibited or strictly regulated in the United States by federal law to protect the environment against radioactive substances. Included in the category of "prohibited or strictly regulated" are the following: asbestos, vinyl chloride, acrylonitrile, isocyanates, polychlorinated biphenyls, mercury, beryllium, arsenic, cadmium, and benzene.

E2.2.1.3. Major federal actions outside the United States that significantly harm natural or ecological resources of global importance designated for protection by the President or, in the case of such a resource protected by international agreement binding on the United States, designated for protection by the

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Secretary of State. Such determinations by the President or the Secretary of State are listed in Attachment 1 to this enclosure.

E2.2.2. The actions prescribed by this enclosure are the exclusive and complete requirement for taking account of environmental considerations with respect to federal actions that do significant harm to the environment of foreign nations and protected global resources as described in subsection E2.2.1. above. No action is required under this enclosure with respect to federal actions that affect only the environment of a participating or otherwise involved foreign nation and that do not involve providing products or physical projects producing principal products, emissions, or effluents that are prohibited or strictly regulated by federal law in the United States, or resources of global importance that have been designated for protection.

E2.3. ENVIRONMENTAL DOCUMENT REQUIREMENTS

E2.3.1. General

E2.3.1.1. There are two types of environmental documents that officials shall use in taking account of environmental considerations for actions covered by this enclosure:

E2.3.1.1.1. Environmental studies--bilateral or multilateral environmental studies, relevant or related to the proposed action, by the United States and one or more foreign nations or by an international body or organization in which the United States is a member or participant; and

E2.3.1.1.2. Environmental reviews--concise reviews of the environmental issues involved that are prepared unilaterally by the United States.

E2.3.1.2. This section identifies the procedures for the preparation of environmental studies or reviews when required by this enclosure and the exceptions from the requirement to prepare environmental studies or reviews. If an environmental document already exists for a particular action, regardless of what federal agency prepared it, no new document is required by this enclosure.

E2.3.2. Lead Agency. When one or more other federal agencies are involved with the Department of Defense in an action or program, a lead agency may be designated to supervise the preparation of environmental documentation. In appropriate cases, more than one agency may act as joint lead agencies.

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The following factors should be considered in making the lead agency designation:

E2.3.2.1. The magnitude of agency involvement;

E2.3.2.2. Which agency or agencies have project approval and disapproval authority;

E2.3.2.3. The expert capabilities concerning the environmental effects of the action;

E2.3.2.4. The duration of agency involvement; and

E2.3.2.5. The sequence of agency involvement.

E2.3.3. Exemptions. There are general exemptions from the requirements of this enclosure provided by Executive Order 12114, and the Secretary of Defense has the authority to approve additional exemptions.

E2.3.3.1. General Exemptions. The following actions are exempt from the procedural and other requirements of this enclosure under general exemptions established for all agencies by Executive Order 12114:

E2.3.3.1.1. Actions that the DoD component concerned determines do not do significant harm to the environment outside the United States or to a designated resource of global importance.

E2.3.3.1.2. Actions taken by the President. These include: signing bills into law; signing treaties and other international agreements; the promulgation of Executive Orders; Presidential proclamations; and the issuance of Presidential decisions, instructions, and memoranda. This includes actions taken within the Department of Defense to prepare or assist in preparing recommendations, advice, or information for the President in connection with one of these actions by the President. It does not include actions taken within the Department of Defense to implement or carry out these instruments and issuances after they are promulgated by the President.

E2.3.3.1.3. Actions taken by or pursuant to the direction of the President or a cabinet officer in the course of armed conflict. The term "armed conflict" refers to: hostilities for which Congress has declared war or enacted a specific authorization for the use of armed forces; hostilities or

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situations for which a report is prescribed by section 4(a) (1) of the War Powers Resolution, 50 U.S.C.A. § 1543(a) (1) (Supp. 1978); and other actions by the armed forces that involve defensive use or introduction of weapons in situations where hostilities occur or are expected. This exemption applies as long as the armed conflict continues.

E2.3.3.1.4. Actions taken by or pursuant to the direction of the President or a cabinet officer when the national security or national interest is involved. The determination that the national security or national interest is involved in actions by the Department of Defense must be made in writing by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

E2.3.3.1.5. The activities of the intelligence components utilized by the Secretary of Defense under Executive Order 12036, 43 Fed. Reg. 3674 (1978). These components include the Defense Intelligence Agency, the National Security Agency, the offices for the collection of specialized intelligence through reconnaissance programs, the Army Office of the Assistant Chief of Staff for Intelligence, the Office of Naval Intelligence, and the Air Force Office of the Assistant Chief of Staff for Intelligence.

E2.3.3.1.6. The decisions and actions of the Office of the Assistant Secretary of Defense (International Security Affairs), the Defense Security Assistance Agency, and the other responsible offices within DoD component with respect to arms transfers to foreign nations. The term "arms transfers" includes the grant, loan, lease, exchange, or sale of defense articles or defense services to foreign governments or international organizations, and the extension or guarantee of credit in connection with these transactions.

E2.3.3.1.7. Votes and other actions in international conferences and organizations. This includes all decisions and actions of the United States with respect to representation of its interests at international organizations, and at multilateral conferences, negotiations, and meetings.

E2.3.3.1.8. Disaster and emergency relief actions.

E2.3.3.1.9. Actions involving export licenses, export permits, or export approvals, other than those relating to nuclear activities. This includes: advice provided by DoD components to the Department of State with respect to the issuance of munitions export licenses under section 38 of the Arms Export Control Act, 22 U.S.C. § 2778 (1976); advice provided by DoD components to the

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Department of Commerce with respect to the granting of export licenses under the Export Administration Act of 1969, 50 U.S.C. App. §§ 2401-2413 (1970 & Supp. V 1975); and direct exports by the Department of Defense of defense articles and services to foreign governments and international organizations that are exempt from munitions export licenses under section 38 of the Arms Export Control Act, 22 U.S.C. § 2778 (1976). The term "export approvals" does not mean or include direct loans to finance exports.

E2.3.3.1.10. Actions relating to nuclear activities and nuclear material, except actions providing to a foreign nation a nuclear production or utilization facility, as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility.

E2.3.3.2. Additional Exemptions. The Department of Defense is authorized under Executive Order 12114 to establish additional exemptions that apply only to the Department's operations. There are two types of additional exemptions: case-by-case and class.

E2.3.3.2.1. Case by-Case Exemptions. Exemptions other than those specified above may be required because emergencies, national security considerations, exceptional foreign policy requirements, or other special circumstances preclude or are inconsistent with the preparation of environmental documentation and the taking of other actions prescribed by this enclosure. The following procedures apply for approving these exemptions:

E2.3.3.2.1.1. Emergencies. This category includes actions that must be taken to promote the national defense or security and that cannot be delayed, and actions necessary for the protection of life or property. The heads of the DoD components are authorized to approve emergency exemptions on a case-by-case basis. The Department of Defense is required to consult as soon as feasible with the Department of State and the Council on Environmental Quality with respect to emergency exemptions. The requirement to consult as soon as feasible is not a requirement of prior consultation. A report of the emergency action will be made by the DoD component head to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), who, with the Assistant Secretary of Defense (International Security Affairs), shall undertake the necessary consultations.

E2.3.3.2.1.2. Other Circumstances. National security considerations, exceptional foreign policy requirements, and other special circumstances not identified in paragraph E2.3.3.1. above,

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may preclude or be inconsistent with the preparation of environmental documentation. In these circumstances, the head of the DoD component concerned is authorized to exempt a particular action from the environmental documentation requirements of this enclosure after obtaining the prior approval of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), who, with the Assistant Secretary of Defense (International Security Affairs), shall consult, before approving the exemption, with the Department of State and the Council on Environmental Quality. The requirement for prior consultation is not a requirement for prior approval.

E2.3.3.2.2. Class Exemptions. Circumstances may exist where a class exemption for a group of related actions is more appropriate than a specific exemption. Class exemptions may be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) who, with the Assistant Secretary of Defense (International Security Affairs), shall consult, before approving the exemption, with the Department of State and the Council on Environmental Quality. The requirement for prior consultation is not a requirement for prior approval. Requests for class exemptions will be submitted by the head of the DoD component concerned to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) after coordination with other interested DoD components. Notice of the establishment of a class exemption will be issued as Attachment 2 to this enclosure.

E2.3.4. Categorical Exclusions. The Department of Defense is authorized by Executive Order 12114 to provide for categorical exclusions. A categorical exclusion is a category of actions that normally do not, individually or cumulatively, do significant harm to the environment. If an action is covered by a categorical exclusion, no environmental document is required. Categorical exclusions will be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), and will be identified in Attachment 3 to this enclosure. DoD components identifying recurring actions that have been determined, after analysis, not to do significant harm to the environment should submit requests for categorical exclusions and accompanying justification to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

E2.4. ENVIRONMENTAL STUDIES

E2.4.1. General. Environmental studies are one of two alternative types of documents to be used for actions described by paragraph E2.2. of this enclosure.

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E2.4.1.1. An environmental study is an analysis of the likely environmental consequences of the action that is to be considered by DoD components in the decision-making process. It includes a review of the affected environment, significant actions taken to avoid environmental harm or otherwise to better the environment, and significant environmental considerations and actions by the other participating nations, bodies, or organizations.

E2.4.1.2. An environmental study is a cooperative action and not a unilateral action undertaken by the United States. It may be bilateral or multilateral, and it is prepared by the United States in conjunction with one or more foreign nations, or by an international body or organization in which the United States is a member or participant. The environmental study, because it is prepared as a cooperative undertaking, may be best suited for use with respect to actions that provide strictly regulated or prohibited products or projects to a foreign nation (E2.2.1.2.) and actions that affect a protected global resource (E2.2.1.3.).

E2.4.2. Department of State Coordination. Communications with foreign governments concerning environmental studies and other formal arrangements with foreign governments concerning environmental matters under this directive will be coordinated with the Department of State. Informal, working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

E2.4.3. Whether to Prepare an Environmental Study. The judgment whether the action is one that would do significant harm to one of the environments covered by this enclosure normally will be made in consultation with concerned foreign governments or organizations. If a negative decision is made, the file will be documented with a record of that decision and the decision-makers who participated. If a decision is made to prepare a study then, except as provided by this enclosure, no action concerning the proposal may be taken that would do significant harm to the environment until the study has been completed and the results considered.

E2.4.4. Content of the Study. The document is a study of the environmental aspects of the proposed action to be considered in the decision-making process. The precise content of each study must be flexible because of such considerations as the sensitivity of obtaining information from foreign governments, the

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availability of useful and understandable information, and other factors identified under "Limitations" (subsection E2.4.6. below). The study should, however, include consideration of the following:

E2.4.4.1. A general review of the affected environment;

E2.4.4.2. The predicted effect of the action on the environment;

E2.4.4.3. Significant known actions taken by governmental entities with respect to the proposed action to protect or improve the environment; and

E2.4.4.4. If no actions are being taken to protect or enhance the environment, whether the decision not to do so was made by the affected foreign government or international organization.

E2.4.5. Distribution of the Study. Except as provided under "Limitations" (subsection E2.4.6., below), and except where classified information is involved, environmental studies will be made available to the Department of State, the Council on Environmental Quality, other interested federal agencies, and, on request, to the public in the United States. Interested foreign governments also may be informed of the studies, subject to the "Limitations" (subsection E2.4.6., below) and controls on classified information, and furnished copies of the documents. No distribution is required prior to the preparation of the final version of the study or prior to taking the action that caused the study to be prepared.

E2.4.6. Limitations. The requirements with respect to the preparation, content, and distribution of environmental studies in the international context must remain flexible. The specific procedures must be determined on a case-by-case basis and may be modified where necessary to:

E2.4.6.1. Enable the component to act promptly. Considerations such as national security and foreign government involvement may require prompt action that must take precedence in the environmental review process;

E2.4.6.2. Avoid adverse impacts on relations between the United States and foreign governments and international organizations;

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E2.4.6.3. Avoid infringement or the appearance of infringement on the sovereign responsibilities of another government. The collection of information and the preparation and distribution of environmental documentation for actions in which another nation is involved, or with respect to the environment and resources of another nation, unless done with proper regard to the sovereign authority of that nation, may be viewed by that nation as an interference in its internal affairs and its responsibility to evaluate requirements with respect to the environment;

E2.4.6.4. Ensure consideration of:

E2.4.6.4.1. Requirements of governmental confidentiality.

This refers to the need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure regardless of its classification;

E2.4.6.4.2. National security requirements. This refers to the protection of classified information and other national security interests;

E2.4.6.4.3. Availability of meaningful information. Information on the environment of foreign nations may be unavailable, incomplete, or not susceptible to meaningful evaluation, particularly where the affected foreign nation is not a participant in the analysis. This may reduce or change substantially the normal content of the environmental study;

E2.4.6.4.4. The extent of the participation of the DoD component concerned and its ability to affect the decision made. The utility of the environmental analysis and the need for an in-depth review diminishes as DoD's role and control over the decision lessens; and

E2.4.6.4.5. International commercial, commercial confidentiality, competitive, and export promotion factors. This refers to the requirement to protect domestic and foreign trade secrets and confidential business information from disclosure. Export promotion factors includes the concept of not unnecessarily hindering United States exports.

E2.4.7. Classified Information. Classified information will be safeguarded from disclosure in accordance with the Department of Defense procedures (DoD Directive 5200.1) established for such information under Executive Order 12065. The requirements of that

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Executive Order take precedence over any requirement of disclosure in this directive.

E2.5. ENVIRONMENTAL REVIEWS

E2.5.1. General. Environmental reviews are the second of the two alternative types of documents to be used for actions covered by paragraph B of this enclosure.

E2.5.1.1. An environmental review is a survey of the important environmental issues involved. It includes identification of these issues and a review of what if any consideration has been or can be given to the environmental aspects by the United States and by any foreign government involved in taking the action.

E2.5.1.2. An environmental review is prepared by the DoD component concerned either unilaterally or in conjunction with another federal agency. While an environmental review may be used for any of the actions identified by section E2.2., it may be uniquely suitable, because it is prepared unilaterally by the United States, to actions that affect the environment of a nation not involved in the undertaking (E2.2.1.1.).

E2.5.2. Department of State Coordination. Communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this enclosure will be coordinated with the Department of State. Informal, working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

E2.5.3. Whether to Prepare an Environmental Review. Sufficient information will be gathered, to the extent it is reasonably available, to permit an informed judgment as to whether the proposed action would do significant harm to the environments covered by this enclosure. If a negative decision is made, a record will be made of that decision and its basis. If a decision is made to prepare a review, then, except as provided by this enclosure, no action concerning the proposal may be taken that would do significant environmental harm until the review has been completed.

E2.5.4. Content of the Review. An environmental review is a survey of the important environmental issues associated with the

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proposed action that is to be considered by the DoD component concerned in the decision-making process. It does not include all possible environmental issues and it does not include the detailed evaluation required in an environmental impact statement under enclosure 1 of this directive. There is no foreign government or international organization participation in its preparation, and the content therefore may be circumscribed because of the availability of information and because of foreign relations sensitivities. Other factors affecting the content are identified under "Limitations" (subsection E2.5.6. below). To the extent reasonably practical the review should include consideration of the following:

E2.5.4.1. A statement of the action to be taken including its timetable, physical features, general operating plan, and other similar broad-gauge descriptive factors;

E2.5.4.2. Identification of the important environmental issues involved;

E2.5.4.3. The aspects of the actions taken or to be taken by the DoD component that ameliorate or minimize the impact on the environment; and

E2.5.4.4. The actions known to have been taken or to be planned by the government of any participating and affected foreign nations that will affect environmental considerations.

E2.5.5. Distribution. Except as provided under "Limitations," (subsection E2.5.6. below), and except where classified information is involved, environmental reviews will be made available to the Department of State, the Council on Environmental Quality, other interested federal agencies, and, on request, the public in the United States. Interested foreign governments also may be informed of the reviews and, subject to the "Limitations" (subsection E2.5.6. below) and controls on classified information, will be furnished copies of the documents on request. This provision for document distribution is not a requirement that distribution be made prior to taking the action that is the subject of the review.

E2.5.6. Limitations. The requirements with respect to the preparation, content, and distribution of environmental reviews in the international context must remain flexible. The specific procedures must be determined on a case-by-case basis and may be modified where necessary to:

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E2.5.6.1. Enable the component to act promptly. Considerations such as national security and foreign government involvement may require prompt action that must take precedence in the environmental review process;

E2.5.6.2. Avoid adverse impacts on relations between the United States and foreign governments and international organizations;

E2.5.6.3. Avoid infringement or the appearance of infringement on the sovereign responsibilities of another government. The collection of information and the preparation and distribution of environmental documentation for actions in which another nation is involved or with respect to the environment and resources of another nation, unless done with proper regard to the sovereign authority of that nation, may be viewed by that nation as an interference in its internal affairs and its prerogative to evaluate requirements with respect to the environment; and

E2.5.6.4. Ensure consideration of:

E2.5.6.4.1. Requirements of governmental confidentiality. This refers to the need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure regardless of its classification;

E2.5.6.4.2. National security requirements. This refers to the protection of classified information;

E2.5.6.4.3. Availability of meaningful information. Information on the environment of foreign nations may be unavailable, incomplete, or not susceptible to meaningful evaluation, and this may reduce or change substantially the normal content of the environmental review;

E2.5.6.4.4. The extent of the participation of the DoD component concerned and its ability to affect the decision made. The utility of the environmental analysis and the need for an in-depth review diminishes as the role of the Department of Defense and control over the decision lessens; and

E2.5.6.4.5. International commercial, commercial confidentiality, competitive, and export promotion factors. This refers to the requirement to protect domestic and foreign trade secrets and confidential business information from disclosure.

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Export promotion factors include the concept of not unnecessarily hindering United States exports.

E2.5.7. Classified Information. Classified information will be safeguarded from disclosure in accordance with the DoD procedures (DoD Directive 5200.1) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this directive.

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APPENDIX A - LIST OF AGENCIES AND AGENCIES

1. The following agencies are listed in alphabetical order of their name. The agencies are listed in the order in which they were established.

2. The following agencies are listed in alphabetical order of their name. The agencies are listed in the order in which they were established.

3. The following agencies are listed in alphabetical order of their name. The agencies are listed in the order in which they were established.

4. The following agencies are listed in alphabetical order of their name. The agencies are listed in the order in which they were established.

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8. The following agencies are listed in alphabetical order of their name. The agencies are listed in the order in which they were established.

9.

10.

11.

APPENDIX R

REQUEST FOR ENVIRONMENTAL IMPACT REVIEW (REIR)

National Environmental Policy Act requirements apply to proposed Federal actions that have potential to impact the human environment (i.e., those which may result in a change to the physical environment; social and economic impacts alone are not sufficient to trigger actions per reference (a)). To ensure installation environmental planning staff coordinate on actions with the potential to impact the human environment, Action Proponents shall submit a completed REIR form, NAVMC 11601 (10-07) (EF) available electronically at <http://192.156.19.102/ar/mcefs.nsf/welcome?opennavigator>) to the installation's environmental planning staff, for all proposed actions that have potential to impact the human environment. The REIR shall be a form prescribed by the Commanding General/Commanding Officer exercising a Finding of No Significant Impact (FONSI) signature authority, and should contain enough information to support the use of a categorical exclusion (CATEX) (in case a CATEX applies). The commander exercising FONSI signature authority may delegate REIR signature authority to qualified environmental planning staff.

22 JAN 2008

REQUEST FOR ENVIRONMENTAL IMPACT REVIEWReport Control Symbol
RCS: Exempt

INSTRUCTIONS: Section I to be completed by Proponent; Sections II and III to be completed by Environmental Planning Function. Continue on separate sheets as necessary. Reference appropriate item number(s).

SECTION I - PROPONENT INFORMATION

1. TO (Environmental Planning Function)	2. FROM (Proponent organization and functional address symbol)	2a. TELEPHONE NO.
3. TITLE OF PROPOSED ACTION		
4. PURPOSE AND NEED FOR ACTION (Identify decision to be made and need date)		
5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES (DOPAA) (Provide sufficient details for evaluation of the total action.)		
6. PROPONENT APPROVAL (Name and Grade)	6a. SIGNATURE	6b. DATE

SECTION II - PRELIMINARY ENVIRONMENTAL SURVEY. (Check appropriate box and describe potential environmental effects including cumulative effects.) (+ = positive effect; O = no effect; - = adverse effect; U = unknown effect)

7. AIR INSTALLATION COMPATIBLE USE ZONE/LAND USE (Noise, accident potential, encroachment, etc.)	+	O	-	U
8. AIR QUALITY (Emissions, attainment status, state implementation plan, etc.)				
9. WATER RESOURCES (Quality, quantity, source, etc.)				
10. SAFETY AND OCCUPATIONAL HEALTH (Asbestos/radiation/chemical exposure, explosives safety quantity-distance, bird/wildlife aircraft hazard, etc.)				
11. HAZARDOUS MATERIALS/WASTE (Use/storage/generation, solid waste, etc.)				
12. BIOLOGICAL RESOURCES (Wetlands/floodplains, threatened or endangered species, etc.)				
13. CULTURAL RESOURCES (Native American burial sites, archaeological, historical, etc.)				
14. GEOLOGY AND SOILS (Topography, minerals, geothermal, Installation Restoration Program, seismicity, etc.)				
15. SOCIOECONOMIC (Employment/population projections, school and local fiscal impacts, etc.)				
16. OTHER (Potential impacts not addressed above.)				

SECTION III - ENVIRONMENTAL ANALYSIS DETERMINATION

17. <input type="checkbox"/> PROPOSED ACTION QUALIFIES FOR CATEGORICAL EXCLUSION (CATEX) -- Decision Memorandum (DM) # _____; OR <input type="checkbox"/> PROPOSED ACTION DOES NOT QUALIFY FOR A CATEX; FURTHER ENVIRONMENTAL ANALYSIS IS REQUIRED.		
18. REMARKS		
19. ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION (Name and Grade)	19a. SIGNATURE	19b. DATE
20. PROPONENT APPROVAL (Name and Grade) OF SECTION III	20a. SIGNATURE	20b. DATE

REQUEST FOR ENVIRONMENTAL REVIEW IMPACT CONTINUATION SHEET

NAVMC 11561 (10-07)

REFERENCES

(a) 42 U.S.C. 4321-4347